

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, May 19, 2011
Regular Meeting - 6:30 p.m.

EARL MCDANIEL
Chairperson

ROBERT HAWKINS

FRED AMERI

CHARLES UNSWORTH

MICHAEL TOERGE

BARRY EATON

BRADLEY HILLGREN

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

JAMES CAMPBELL, Acting Planning Director

LEONIE MULVIHILL, Assistant City Attorney

GREGG RAMIREZ, Senior Planner

TONY BRINE, City Traffic Engineer

JANET JOHNSON BROWN, Associate Planner

KAY SIMS, Assistant Planner

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, May 19, 2011
REGULAR MEETING
6:30 p.m.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to 3 minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

- E. REQUEST FOR CONTINUANCES**
- F. CONSENT ITEMS**

ITEM NO. 1 Minutes of May 5, 2011

ACTION: Approve and file.

- G. PUBLIC HEARING ITEMS**

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 2 3-Thirty-3 Waterfront Restaurant (PA2011-041)
333 Bayside Drive

SUMMARY: The application consists of a request for a new conditional use permit to extend the hours of operation granted by Accessory Outdoor Dining Permit No. 2007-001 for an existing outdoor dining patio from 9:00 a.m. to 9:30 p.m. daily to 9:00 a.m. to 1:00 a.m. daily. The hours of operation for the interior portion of the existing restaurant are 9:00 a.m. to 2:00 a.m. daily, as allowed by Use Permit No. 3325 (amended). If approved, the new conditional use permit will supersede the existing use permit and accessory outdoor dining permit, and an Operator License will be required.

CEQA COMPLIANCE: The project is categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities), because the change in hours of operation does not involve an expansion of an existing use.

- ACTION:**
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Conditional Use Permit No. UP2011-007, subject to Conditions of Approval including the requirement that the applicant/operator obtain an Operator License issued by the Chief of Police in order to operate a restaurant in combination with late hours and alcoholic beverage service.

ITEM NO. 3 Fisher Residence (PA2010-034)
3725 Ocean Boulevard

SUMMARY: The applicant requests approval of a variance to allow a proposed single-family dwelling to exceed the 24-foot height limit for flat roofs within the R-1 (Single-Unit Residential) Zoning District. Additionally, the proposed single-family dwelling would exceed the "top of curb" height limit for properties on the bluff side of Ocean Boulevard. The applicant also requests a modification permit to allow the proposed single-family dwelling to encroach into the required 10-foot front and 4-foot side setbacks (caissons), and site-retaining walls (and caissons) with related railings adjacent to the side property lines which exceed the 6-foot height limit allowed within side setback areas.

CEQA COMPLIANCE: The proposed project has been reviewed and it has been determined that it is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines – Class 3 (New Construction or Conversion of Small Structures. This exemption includes construction of a single-family residence in a residential area. The proposed project is a single-family residence to be constructed in the R-1 (Single-Unit Residential) Zoning District.

- ACTION:**
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Variance No. VA2010-001 and Modification Permit No. 2010-006.

ITEM NO. 4 Review of Preliminary Fiscal Year 2011-2012 Capital Improvement Program (PA2007-131)

SUMMARY: Review of the City's Capital Improvement Program (CIP) is required by the City Charter and State Statute. The purpose of the review is to determine consistency with the General Plan and to make recommendations to the City Council concerning proposed public works projects.

CEQA COMPLIANCE: None required.

- ACTION:**
- 1) Conduct a review of the Preliminary Fiscal Year 2011-2012 Capital Improvement Program; and
 - 2) Determine that the CIP projects are consistent with the policies of the General Plan, and including any additional recommendations deemed appropriate, and to report this finding to the City Council.

H. NEW BUSINESS

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 Planning Director's report.

ITEM NO. 6 Planning Commission reports.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 8 Request for excused absences.

ADJOURNMENT

CITY OF NEWPORT BEACH
Planning Commission Minutes
 May 5, 2011
 Regular Meeting – 6:30 p.m.

ROLL CALL:		
Commissioners Eaton, Unsworth, Hawkins, McDaniel, Toerge, Ameri, and Hillgren - present		
STAFF PRESENT:		
James Campbell, Acting Planning Director Gregg Ramirez, Senior Planner Michael Torres, Deputy City Attorney Rosalinh Ung, Associate Planner Tony Brine, City Traffic Engineer Gaylene Olson, Department Assistant		
POSTING OF THE AGENDA:		
The Planning Commission Agenda was posted on April 29, 2011.		
PUBLIC COMMENTS:		
Mr. Dan Purcell, resident, presented pictures of the dumpster area shared by Landmark Steakhouse and Rose's Bakery in Corona del Mar, and stated his concerns of two separate waste management providers cleaning this shared dumpster area and surrounding property.		
Commissioner Hawkins stated this is a Code Enforcement issue and asked Mr Purcell to address his complaints to Code Enforcement.		
* * *		
REQUEST FOR CONTINUANCES:		
Acting Planning Director James Campbell requested that Item No. 4, Pemstein Residence Minor Use Permit and Variance (PA2010-173), be continued to the June 9, 2011.		
Motion made by Commissioner Toerge and seconded by Commissioner Hillgren to continue Item No. 4 to the June 9, 2011, Planning Commission meeting.		
Motion carries with the following vote:		
Ayes:	Eaton, Unsworth, Hawkins, McDaniel, Ameri, Hillgren and Toerge	
Noes:	None	
* * *		
CONSENT ITEMS		
SUBJECT: MINUTES of the regular meeting of April 21, 2011		ITEM NO. 1
Motion made by Commissioner Hawkins and seconded by Commissioner Unsworth to approve the minutes as corrected and amended.		Approved
Motion carried with the following vote:		
Ayes:	Eaton, Unsworth, Hawkins, and McDaniel	
Noes:	Hillgren	
Abstained:	Ameri and Toerge	

<p>SUBJECT: In-Lieu Fee Credit Irvine Company</p> <p>Establishment of In-Lieu Fair Share Fee Credit toward North Newport Center for Construction of a Third Eastbound Left Turn Lane on San Joaquin Hills Road at MacArthur Boulevard.</p> <p>Commissioner Ameri recused himself from any discussion or vote on this item, as the company he works for, RBF, has done minor work on this project.</p> <p>Acting Planning Director James Campbell gave a brief overview of the staff report. Mr Campbell also wanted to add the standard indemnification clause to the resolution and presented a copy of the wording.</p> <p>Commissioner Eaton had sent an email questioning if there was going to be any street widening with this project. Tony Brine, City Traffic Engineer, had responded there would be no street widening related to this project.</p> <p>Commissioner Hillgren asked why this is being presented to the Planning Commission since the in-lieu fair share fees have been established in the Development Agreement and will be decided on what the actual cost are.</p> <p>Deputy City Attorney Michael Torres, responded that within the Development Agreement, Section 4.3 requires staff to come back to the Planning Commission for their approval of the in-lieu application and the Municipal Code requires the Planning Commission to way-in if it is acceptable.</p> <p>Commissioner Unsworth wanted some clarification how the fair share credit is established.</p> <p>City Traffic Engineer Tony Brine provided clarification and indicated that the fair share fee, which is in the process of being updated, includes the entire cost of the improvements at the intersection, and pointed out there are additional improvements other than this left turn lane.</p> <p>Commissioner Hawkins asked if the fair share fees are increased, would that increase the in-lieu credit.</p> <p>Mr. Brine stated that the Development Agreement was base on the existing fair share fee and that the final figures will be based on whatever the fair share fees are at that time.</p> <p>Chairperson McDaniel and Commissioner Toerge had questions regarding the line-item worksheet and related construction costs.</p> <p>Mr. Brine pointed out that this was a generic worksheet and the items on the worksheet that showed a quantity were the only items related to the estimated costs.</p> <p>Dan Miller, representing the Irvine Company, reaffirmed that if the fees go up or down, the actual final cost of the project is credited against the fee that they pay. These fees are the City estimated Fair Share Fees. The work will be out for bid, and he expects the company can complete the work at a less expensive cost then if it were a City project.</p> <p>Commissioner Hillgren asked if there was any incentive to save money on this project, whether it be mutual, or totally benefits the Irvine Company.</p>	<p>ITEM NO. 2</p> <p>Approved</p>
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Mr. Miller responded that he expects that the Irvine Company can complete the project quicker and less expensive than if it were a City project and that would benefit the City.

Commissioner Eaton had a questions regarding the 650 Building that will be built:

- Number of stories it will have.
- General time estimate when it will be completed.
- When will the left turn lane be completed?

Mr. Miller stated the building will be 20 stories high and is under the 295-foot height limit. Permits are expected to be pulled in July or August 2011, and this project should be completed by October 2012.

Commissioner Hawkins asked Mr. Miller to respond to the following regarding paragraph 4.3 of the Development Agreement.

- It requires the Planning Commission to hear this item.
- It stated this project shall be eligible for consideration as an in-lieu contribution under the Fair Share Contribution Ordinance, which would make this a discretionary action.
- The City did not have to approve an in-lieu credit.

Mr. Hawkins pointed out there is a public benefit fee.

Mr. Miller responded the agreement reflects the existing Ordinance, which requires the Planning Commission hear this item. If the City did not approve this project, the Irvine Company would pay the fee, and the City would have to do the work. When permits are pulled for the 650 Building project, the Irvine Company will pay the public benefit fee of \$13,500,000.00 and the City Council will determine the use for those funds.

Public comment period was opened.

No public comments.

Public comment period was closed.

Motion made by Commissioner Hillgren and seconded by Commissioner Unsworth to adopt a resolution approving staff's recommendation of the amount of in-lieu contributions deemed applicable towards Fair Share Fees due to construction of the third eastbound left turn lane on San Joaquin Hills Road at MacArthur Boulevard.

Motion carried with the following vote:

Ayes:	Eaton, Unsworth, Hawkins, McDaniel, Toerge and Hillgren
Noes:	None
Recused:	Ameri

* * *

PUBLIC HEARING ITEMS

SUBJECT: Via Lido Amendments – (PA2011-024)
3363, 3369, & 3377 Via Lido and 3378 Via Oporto

ITEM NO. 3
PA2011-024

The property owner is seeking to continue the existing nonconforming commercial uses of the subject property by requesting the following amendments:

Approved

- 1) General Plan Land Use designation from Multiple-Unit Residential (RM) to Mixed-Use Vertical (MU-V),
- 2) Coastal Land Use Plan designation from Multiple-Unit Residential (RM-D) to Mixed-Use Vertical (MU-V), and
- 3) Zoning designation from Multiple-Unit Residential (RM) to Mixed-Use Vertical (MU-V).

No new land use or development is proposed at this time.

Rosalinh Ung, Associate Planner, gave a brief overview of the staff report with a PowerPoint presentation.

Commissioner Hillgren asked Ms. Ung what the allowed FAR is under the current zoning designation, the new zoning, and the requested application.

Ms. Ung answered under the existing zoning designation, which is Multi-Family Residential, the FAR is 20 units per acre. With that density, the property could be developed up to three residential units and the parking requirement would be seven parking spaces. This is consistent with the General Plan and the existing commercial use is currently non-complaint. The applicant is requesting a mixed-use designation and wants to maintain the existing commercial uses. They would like to have a future opportunity of a MU-V, mixed-use with residential on top of commercial, which would allow a minimum of three residential and a maximum of four residential units. Commercial floor area within a future mixed development would be a minimum of 2800 square feet and a maximum 4000 square feet.

Mr. Hillgren asked if the net request is to add approximately 3000-square-feet of retail and one additional unit.

Ms. Ung answered yes.

Commissioner Hawkins asked what type of approvals would be necessary should the applicant move forward with a future project.

Ms. Ung said the applicant would need to go through the proper application procedure depending on the project they presented. Parking would be the most identifiable restraint on this property and likely require a waiver or off-site parking.

Commissioner Toerge did not believe there was a possible way this project can meet the minimum requirement under the mixed-use designation without offering a parking waiver.

Senior Planner Gregg Ramirez answered the basic thought behind showing a minimum for the mixed-use districts was to get a true mixed-use project in a location; not ending up with a project consisting of 5000-square-feet of commercial and one big residential-unit on top, or a token couple hundred square feet of commercial and four residential-units on top, which truly is not mixed-use. There is the option of commercial only development with no minimum floor area requirement.

Commissioner Eaton asked if there was any off-street parking currently devoted to this property. Did the City require parking when this property was built in the 1970s?

Commissioner Eaton questioned about the property next door, that is also non-complaint, and why it was not included in this proposal.

Ms. Ung stated she did not have any background information regarding the original entitlements granted to this property. Regarding the property next door, there is different owner and they are taking a different path.

Mr. Campbell stated the owner next door is looking to develop a residential project consistent with the General Plan.

Commissioner Unsworth stated it has been a short time since adopting the General Plan and here we are requesting an amendment. He had some concerns and questions:

- Was there a reason for changing this designation to residential in the General Plan, and if that reasoning still holds true today?
- Does the property owner to the south, who is considering residential use, have any concerns with this property being mixed-use?
- A lot work went into the General Plan; the citizens voted on it, we've change the Frog House, now this request. How many more will we get before we need to go back to the vote of the people?
- Is there a commercial development small enough that could go on this site and be able to park on-site, or will there always be a waiver or off-site parking involved?

Mr. Campbell indicated that it was his belief that the reason to change this block to residential was to reduce commercial land and bring more people to the district, in the hopes of revitalizing the area, and bring more economical benefits to the district. Council adopted the ordinance change that amortizes non-residential uses in residential zones and put a short amortization period on these commercial properties. Changing the land use within a year of adoption of the Zoning Code may not be within our best interest. Allowing this project to remain as is and changing the land use to a mixed-use project in the future should not prove to be detrimental to the community, and approval would allow a little more flexibility and a more orderly change to future land use. Mr. Campbell said the neighboring property owner is aware of this application but their view of it is not known. Regarding the parking, Mr. Campbell believes there will be a need for a waiver for any future commercial redevelopment of this site. With a mixed-use project with three units, it would be a tight fit, but each unit could have tandem parking.

Irv Chase, attorney and representative for the applicant, stated they were not here by choice but were here because of the change to the ordinance. The applicant does not want to redevelopment the property, but wants it to remain as commercial and keep their tenants in place with the current uses. In 1964, the previous owner deeded a piece of the property to the City so a street could be put in, and in exchange for that, there was no on-site parking required. There are no plans to redevelop the site, as it would be to cost prohibitive to do so. The reason for asking for the zoning amendment is it that it will give them the most flexibility and it would allow continuation of the current commercial uses.

Commissioner Hawkins stated he sympathized with the applicant, and the City put them in this position by adopting the zoning ordinance for the Group Homes.

Public comment period was opened.

No public comments.		
Public comment period was closed.		
<p>Motion made by Commissioner Hillgren and seconded by Commissioner Unsworth, to adopt a resolution, including the additional language of the indemnification clause, recommending the City Council:</p> <ul style="list-style-type: none"> • Approve General Plan Amendment No. GP2011-003, • Approve Local Coastal Plan Amendment No. LC2011-002, and • Approve Code Amendment No. CA2011-005 <p>Motion carried with the following vote:</p>		
Ayes:	Eaton, Unsworth, Hawkins, McDaniel, Ameri, Toerge and Hillgren	
Noes:	None	
* * *		
<p>SUBJECT: Pemstein Residence Minor Use Permit and Variance (PA2010-173) 2430 Holiday Road</p> <p>Minor use permit to allow senior accessory dwelling (granny) unit and two related variance requests to allow for the construction of 1) a garage addition to encroach 2 feet into the easterly 10-foot side yard setback and 2) an 8-foot-high wall to encroach into the 10-foot easterly side yard setback. The application also includes a request for variance approval to retain nine (9) as-built over-height structures located within required setbacks including: four (4) arbors, three (3) walls, a free-standing fireplace and a storage shed.</p>		<p>ITEM NO. 4 PA2010-173</p> <p>Continued to June 9, 2011</p>
* * *		
STAFF AND COMMISSIONER ITEMS		
<p>Chairperson Earl McDaniel recognized that Patricia Temple, former Planning Director, was present. Ms. Temple thanked the Commissioners.</p> <p>Planning Director's report:</p> <ul style="list-style-type: none"> • Malarky's Irish Pub appeal was heard at the April 26, 2011, City Council meeting. In order to allow the applicant time to consider a proposed action and an opportunity to for him to develop an alternative proposal that could potentially address the Council's concern, the City Council continued the public hearing to May 10, 2011. • The Planning Commission meeting of June 9, 2011, may have four lengthy items, and staff suggests an earlier start time. Commission and staff agreed to start at 4 pm, go until 6 pm, stop for a half-hour break, and then resume the meeting at 6:30. Should any of the items be taken off the agenda, it will be decided to reconsider the starting time. 		ITEM NO. 5
Planning Commission reports: No reports		ITEM NO. 6
Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report. - None		ITEM NO. 7
Requests for excused absences – Commissioner Hillgren reminded Commission that he requested to be absent on May 19, 2011 and June 9, 2011 and request was granted at last meeting.		ITEM NO. 8
<p>ADJOURNMENT: 7.50 p.m. MICHAEL TOERGE, SECRETARY CITY OF NEWPORT BEACH PLANNING COMMISSION</p>		

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT
May 19, 2011
Agenda Item 2

SUBJECT: 3-Thirty-3 Waterfront Restaurant (PA2011-041)
333 Bayside Drive
• Conditional Use Permit No. UP2011-007

APPLICANT: Jeff Reuter

PLANNER: Janet Johnson Brown, Associate Planner
(949) 644-3236 jbrown@newportbeachca.gov

PROJECT SUMMARY

The application consists of a request for a new conditional use permit to extend the hours of operation granted by Accessory Outdoor Dining Permit No. 2007-001 for an existing outdoor dining patio from 9:00 a.m. to 9:30 p.m. daily to 9:00 a.m. to 1:00 a.m. daily. The hours of operation for the interior portion of the existing restaurant are 9:00 a.m. to 2:00 a.m. daily, as allowed by Use Permit No. 3325 (amended). If approved, the new conditional use permit will supersede the existing use permit and accessory outdoor dining permit, and an Operator License will be required.

RECOMMENDATION

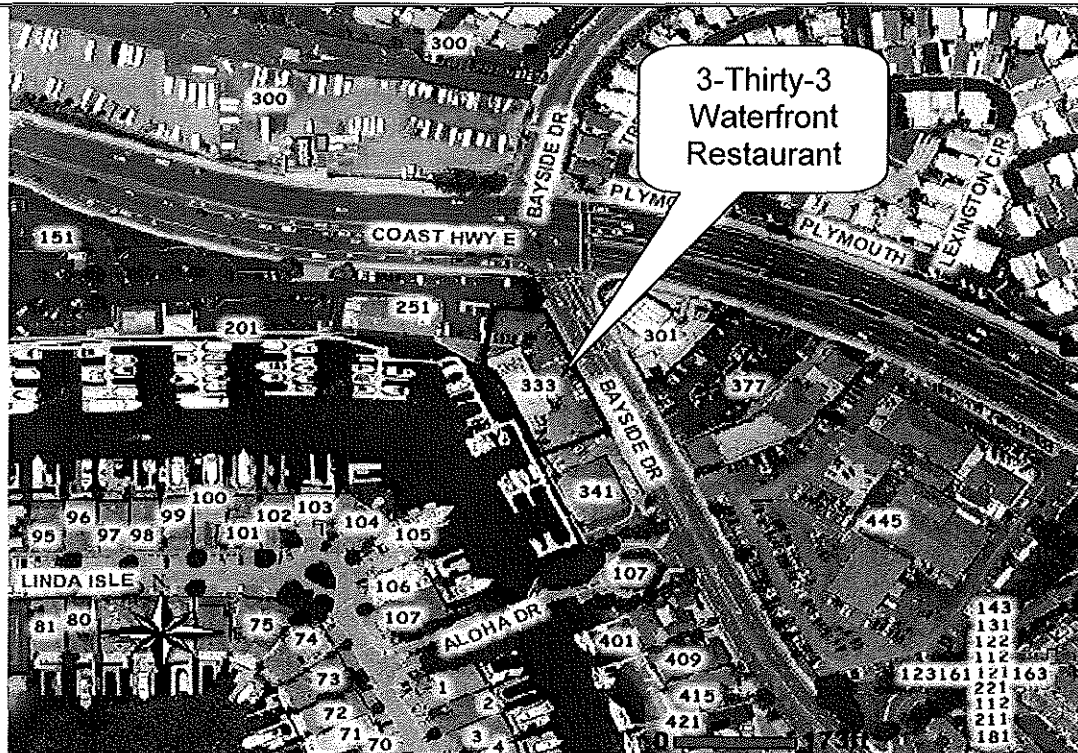
- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ approving Conditional Use Permit No. UP2011-007 (Attachment No. PC 1), subject to Conditions of Approval including the requirement that the applicant/operator obtain an Operator License issued by the Chief of Police in order to operate a restaurant in combination with late hours and alcoholic beverage service.

INTRODUCTION

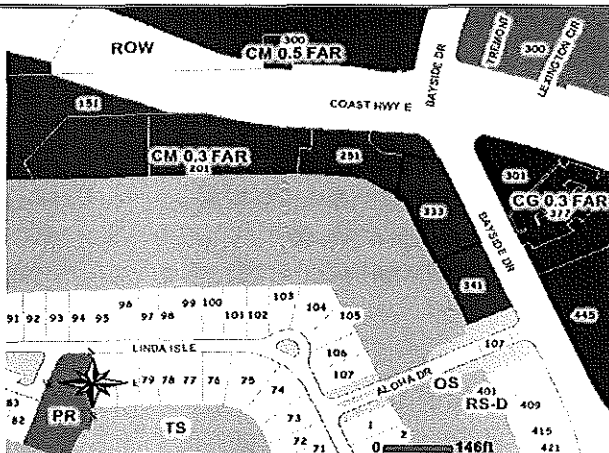
Project Setting

The existing restaurant is located at the southwest corner of Bayside Drive and East Coast Highway. The surrounding land uses include a restaurant and commercial parking lot to the west, office uses to the southeast, and a Chevron service station and shopping center to the east across Bayside Drive. The Linda Isle single-family residential neighborhood is located to the south of the project site, and a boat storage and mobile home park is located to the north across East Coast Highway. Boat docks maintained by the Balboa Marina are located on the channel in front of the restaurant and to the west of the restaurant site.

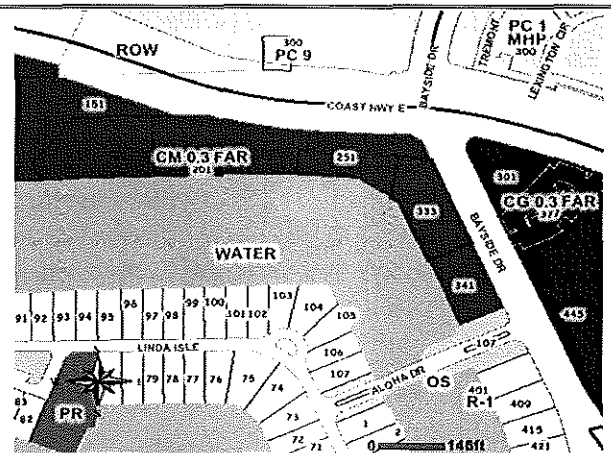
VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Recreational and Marine Commercial (CM)	Commercial Recreational and Marine (CM)	Restaurant and Office Developments
NORTH	Recreational and Marine Commercial (CM)	Bayside Village Boat Launch & Storage Planned Community (PC9)	Boat Storage and Mobile Home Park (across East Coast Highway)
SOUTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Linda Isle Residential Neighborhood
EAST	General Commercial (CG)	Commercial General (CG)	Service Station and Retail Center
WEST	Recreational and Marine Commercial (CM)	Commercial Recreational and Marine (CM)	Sol Cucina Restaurant and Commercial Parking Lot

Project Description

The applicant requests to extend the hours of operation for an existing outdoor dining patio from 9:00 a.m. to 9:30 p.m. daily to 9:00 a.m. to 1:00 a.m. daily. No other changes to the existing restaurant operations are requested or proposed. The applicant intends to continue operating the existing restaurant in a manner consistent with the previous conditions of approval granted by Use Permit No. 3325 (amended) and Accessory Outdoor Dining Permit No. 2007-001 (Attachment No. PC 2).

The existing restaurant is located on the second floor of an 8,409 gross square foot building. The restaurant occupies 4,480 gross square feet of the building, of which 2,560 square feet is considered net public area. The hours of operation of the interior portion of the restaurant are 9:00 a.m. to 2:00 a.m. daily.

Background

The restaurant use was established in 1968 when use permits were not required for a restaurant. In September 1988, Use Permit No. 3325 was approved by the Planning Commission to allow an increase in the restaurant occupancy and establish the required off-street parking based on net public area. Amendments to the use permit were approved by the Planning Commission in January 1992 and May 1995. Under the conditions of the existing use permit, the restaurant is allowed to operate as a full-service eating and drinking establishment with alcoholic beverage sales (Type 47 ABC license) from 9:00 a.m. to 2:00 a.m. daily. Sixty-four (64) parking spaces are required during evenings and weekends.

In June 2007, the Planning Commission granted approval of Accessory Outdoor Dining Permit No. 2007-001. The outdoor dining patio is limited to a 636 square feet in area, and a maximum of 37 seats with dining tables only. Elevated counters and barstools are prohibited, and use of the area is required to close by 9:30 p.m.

DISCUSSION

When the Zoning Code was updated, the requirement for a separate application for accessory outdoor dining was eliminated. Thus, the request to extend the hours of operation granted by Accessory Outdoor Dining Permit No. 2007-001 requires approval of a new conditional use permit for the overall operations of the existing restaurant. The conditions of approval from the previous use permit and accessory outdoor dining permit have been carried forward, and new conditions have been included related to standard operations for eating and drinking establishments, as well as the requirement that the applicant obtain an Operator License to operate a restaurant in combination with late hours and alcoholic beverage service.

Analysis

Late Hour Operations

Under the provisions of the Zoning Code, the existing restaurant is defined as a "Food Service, Late Hours" eating and drinking establishment. When reviewing an application to allow late-hour operations, the Planning Commission must consider the following potential impacts upon adjacent or nearby uses:

1. *Noise from music, dancing, and voices associated with allowed indoor or outdoor uses and activities;*
2. *High levels of lighting and illumination;*
3. *Increased pedestrian and vehicular traffic activity during late night and early morning hours;*
4. *Increased trash and recycling collection activities;*
5. *Occupancy loads of the use; and*
6. *Any other factors that may affect adjacent or nearby uses.*

The existing restaurant is located adjacent to an office building on the southeast, and another restaurant and commercial parking lot on the west. The Linda Isle residential neighborhood is located to the south of the project site across a boating channel. The nearest residence is located approximately 215 feet from the existing restaurant.

As previously stated, no changes to the existing restaurant operations are requested or proposed by the applicant with the exception of a change to the closing time of the outdoor dining patio area from 9:30 p.m. to 1:00 a.m. Thus, impacts associated with lighting, increased trash, and occupancy loads of the use are not expected.

Dancing is prohibited throughout the entire restaurant, per the Live Entertainment Permit issued to the applicant in February 2006. Incidental background music is allowed, and live entertainment is limited to a maximum of two performers confined to the interior portion of the restaurant building.

In order to control noise emanating from the outdoor dining patio, this area was constructed with a full-height combination wall and sound-attenuating window assembly. As conditioned, the windows are required to be closed each day at 9:00 p.m. and may be opened at 8:00 a.m. the following day. Pursuant to the conditions of approval, no live entertainment is permitted in the outdoor dining area. Further, all noise generated by the existing restaurant, including the outdoor dining area, is required to comply with the provisions of the Noise Ordinance (Chapter 10.26) of the Newport Beach Municipal Code (NBMC).

There may be an increase in pedestrian and vehicular traffic activity from patrons using the outdoor dining area during late night and early morning hours. However, impacts from this increase in activity would be mitigated due to the location of the existing valet parking pick-up and drop-off area, and the designated smoking area, which are shielded from residences on Linda Isle by the restaurant building.

Late Hour Operations: Noise Complaints

Use of the outdoor dining patio began in April 2010. In July 2010, the Code Enforcement Division received complaints regarding alleged violations of the conditions of approval. Code Enforcement contacted the applicant and discussed the complaints, and the applicant took corrective action to ensure compliance with the conditions of approval. No further complaints have been received by the Code Enforcement Division since September 2010.

The complaints were also forwarded to the Newport Beach Police Department (NBPD) for further investigation. The NBPD reported that after subsequent investigations, as well as interviews with the applicant and the complaining parties, it was evident that the noise was being generated from people on the nearby docks/boats, not necessarily patrons in the restaurant. Further, there was no indication that use of the outdoor dining patio was the cause of the noise complaints. The NBPD reports that it appears that the applicant has taken reasonable steps to mitigate the noise on the docks as complaints to the NBPD have declined. (See Attachment No. PC 3 – NBPD Memorandum dated April 4, 2011.)

In response to complaints regarding noise generated from the nearby docks, the Harbor Commission approved a "Temporary Guest Slip Use Program" for the Balboa Marina in February 2011. The plans require that the temporary guest slips be moved from the current location in front of the restaurant site to a point farther west and more central in the marina. The temporary guest slips may only be accessed through an electronically controlled security gate system, which will be set to automatically unlock at 7:00 a.m. and lock at 10:00 p.m. each day. This new program is anticipated to be implemented in early-to-mid summer.

Conditional Use Permit Findings

In order to grant approval of a conditional use permit, the Planning Commission must make each of the following findings:

1. *The use is consistent with the General Plan and any applicable specific plan;*
2. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*
3. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

4. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*
5. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Staff believes that findings for approval can be made, and facts in support of the required findings are included in the draft resolution (Attachment PC No. 1). The operation of a "Food Service, Late Hours" use with alcoholic beverage sales is consistent with the purpose and intent of the Recreational and Marine Commercial (CM) land use designation of the General Plan, and Commercial Recreational and Marine (CM) Zoning District.

Updated conditions of approval related to standard operations for eating and drinking establishments with alcoholic beverage sales have been included for the overall operations of the existing restaurant. With adherence to the proposed conditions of approval, the project will comply with Zoning Code standards. Conditions are included related to on-sale alcoholic beverage activities, including training of personnel who sell or serve alcoholic beverages, and the provision of security personnel while live entertainment is offered. Adequate on-site parking is maintained and provided by complimentary valet service during all hours of operation. The location of the existing valet parking pick-up and drop-off area, and the designated smoking area have proven effective in eliminating noise impacts to nearby residents. The design and construction materials of the outdoor dining patio, and the requirement that the windows be closed at 9:00 p.m., prevent excessive noise from emanating from this area.

The NBPD indicates it has no objections to the applicant's request to extend the hours of operation on the outdoor dining patio. Based on reports from the Code Enforcement Division and the NBPD, the applicant has demonstrated the continued willingness and ability to control noise generated by patrons of the restaurant.

To ensure the change in hours of operation does not create a detrimental impact during late hours, the applicant (and any future operators of the existing eating and drinking establishment) shall be required to obtain an Operator License issued by the Chief of Police pursuant to Chapter 5.25 of the NBMC. The entire operations will be subject to the Operator License. Additionally, the applicant will be required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance to areas surrounding the restaurant and adjacent properties during business hours. If the operator is unable to abide by the conditions of approval, or prevent objectionable conditions from occurring, the NBPD will have the authority to modify, suspend, or revoke the operator's ability to maintain late-hour operations, or require other corrective measures.

Alternatives

1. The Planning Commission may suggest specific operational changes that are necessary to alleviate concerns. If the changes are substantial, the item should be continued to a future meeting.
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission should deny the application.

Environmental Review

The project is categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities), because the change in hours of operation does not involve an expansion of an existing use.

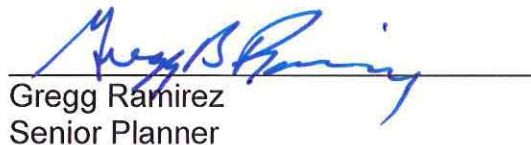
Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all property owners within 300 feet of the property, and posted at the project site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:


Janet Johnson Brown
Associate Planner


Gregg Ramirez
Senior Planner

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions of Approval
- PC 2 Use Permit No. 3325 & Accessory Outdoor Dining Permit No. 2007-001
- PC 3 NBPD Memorandum
- PC 4 Project plans and photographs
- PC 5 Applicant's written statement

Attachment No. PC 1

Draft Resolution with Findings and
Conditions of Approval

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWPORT BEACH APPROVING CONDITIONAL USE
PERMIT NO. UP2011-007 FOR AN EATING AND DRINKING
ESTABLISHMENT LOCATED AT 333 BAYSIDE DRIVE (PA2011-
041)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jeff Reuter, with respect to the property located at 333 Bayside Drive, and legally described as Lot B of Parcel Map Book 16 Page 10 (Resubdivision No. 249), requesting approval of a new conditional use permit.
2. The applicant filed an application requesting a new conditional use permit to extend the hours of operation granted by Accessory Outdoor Dining Permit No. 2007-001 for an existing outdoor dining patio from 9:00 a.m. to 9:30 p.m. daily to 9:00 a.m. to 1:00 a.m. daily. No other changes to the existing restaurant operations were requested or proposed.
3. The subject property is located within the Commercial Recreational and Marine (CM) Zoning District and the General Plan Land Use Element category is Recreational and Marine Commercial (CM).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Recreational and Marine Commercial (CM-A).
5. A public hearing was held on May 19, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1- Existing Facilities.
2. This exemption applies to existing facilities where it can be demonstrated the project involves no expansion of the existing use. The change in hours of operation does not involve an expansion of the existing use.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 of the Newport Beach Municipal Code, the following finding and facts in support of such finding is set forth:

Finding:

- A. The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code.*

Facts in Support Finding:

- A-1. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of alcoholic beverages is intended for the convenience of customers of the restaurant. Operational conditions of approval recommended by the Newport Beach Police Department (NBPD) relative to the sale of alcoholic beverages will ensure compatibility with the surrounding use and minimize alcohol-related impacts.
- A-2. Pursuant to Chapter 5.25 of the NBMC, the project has been conditioned to require that the applicant, as well as any future operators of the existing eating and drinking establishment, obtain an Operator License to ensure the establishment is operated in a safe manner.

In accordance with Section 20.20.020 of the Zoning Code, eating and drinking establishments classified as "Food Service, Late Hours" require the approval of a conditional use permit within the Commercial Recreational and Marine (CM) Zoning District. In accordance with Section 20.52.020.F of the Zoning Code, the following findings and facts in support of such findings are set forth:

Finding:

- B. The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

- B-1. The Recreational and Marine Commercial (CM) land use designation of the General Plan is intended to encourage and provide for mutually supportive business and visitor-serving uses. The operation of a "Food Service, Late Hours" use with alcoholic beverage sales is consistent with the purpose and intent of this land use designation.
- B-2. Food service uses are expected to be located in commercial areas, and are complementary to the existing commercial and residential uses in the area. Such uses are frequented by visitors, tenants of the nearby commercial uses, and residents alike.
- B-3. The subject property is not part of a specific plan area.

Finding:

- C. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

- C-1. The subject property is located in the Commercial Recreational and Marine (CM) Zoning District, and eating and drinking establishments classified as “Food Service, Late Hours” require the approval of a conditional use permit.
- C-2. As conditioned, the project will comply with Zoning Code standards for eating and drinking establishments. Conditions are included related to on-sale alcoholic beverage activities, including the training of personnel, and the provision of security personnel while live entertainment is offered.
- C-3. Pursuant to Chapter 5.25 of the NBMC, the project has been conditioned to require the applicant, and any future operator of the eating and drinking establishment, to obtain an Operator License from the NBPd in order to maintain operating hours beyond 11:00 p.m.

Finding:

- D. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

- D-1. The project has been reviewed and conditioned to ensure that potential conflicts with the surrounding land uses are minimized to the extent possible to maintain a healthy environment for both residents and businesses.
- D-2. Adequate parking is maintained on-site and provided by complimentary valet service during all hours of operation.
- D-3. The location of the valet parking pick-up and drop-off area, and the designated smoking area, is shielded from the residences by the restaurant building, thereby mitigating noise impacts from this activity.
- D-4. The design and construction materials of the outdoor dining patio prevent excessive noise from emanating from this area. As conditioned, the sound attenuating windows are required to be closed from 9:00 p.m. to 8:00 a.m. A condition of approval is included requiring that recorded music or other types of sound amplification within the outdoor patio area shall only be audible to the audience within the patio area, and shall cease after the hour of 10:00 p.m. daily.

Finding:

- E. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

- E-1. This is an existing eating and drinking establishment that has existed in this location since 1968, and the project site has proven to be physically suitable in size to accommodate the use.
- E-2. The project site is located at the southwest corner of Bayside Drive and East Coast Highway, and is surrounded by similar commercial uses located to the west, and the southeast of the use. This is an appropriate location for an eating and drinking establishment. The use is complementary to the existing commercial uses in the area, as well as the residential uses located to the south of the project site.
- E-3. The Traffic Engineer has previously reviewed the configuration of the parking lot, as well as the valet parking plan, and has determined the parking lot design functions safely and does not prevent emergency vehicle access to the establishment.
- E-4. The site is currently served by public services and utilities.

Finding:

- F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

- F-1. The project has been reviewed and conditioned to ensure the continued operation of the existing eating and drinking establishment will not be detrimental to the community.
- F-2. An increase in pedestrian and vehicular activity from patrons using the outdoor dining area during late night and early morning hours may occur. However, impacts from this increase in activity would be mitigated due to the location of the existing valet parking pick-up and drop-off area, and the designated smoking area, which are shielded from residences on Linda Isle by the restaurant building.
- F-3. The applicant has operated the existing eating and drinking establishment in this location since 2004, and has demonstrated the continued willingness and ability to control noise generated by patrons of the restaurant. The applicant will be required to obtain an Operator License from the NBPd in order to extend the hours of operation of the outdoor dining patio to 1:00 a.m. The Operator License will provide for enhanced control of noise, loitering, litter, disorderly conduct, parking/circulation, and other potential disturbances resulting from the existing establishment, and will provide the NBPd with means to modify, suspend, or revoke the operator's ability to maintain late-hour operations if objectionable condition occur.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit No. UP2011-007, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Use Permit No. 3325 (amended) and Planning Commission Resolution No. 1724, which upon vesting of the rights authorized by this Conditional Use Permit No. UP2011-007, shall become null and void.

PASSED, APPROVED AND ADOPTED THIS 19th DAY OF MAY, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Earl McDaniel, Chairman

BY: _____
Michael Toerge, Secretary

EXHIBIT "A"**CONDITIONS OF APPROVAL**
*(Project-specific conditions are in italics)***PLANNING**

1. *The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)*
2. *Conditional Use Permit No. 2011-007 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code (NBMC), unless an extension is otherwise granted.*
3. *The hours of operations shall be limited to between 9:00 a.m. and 11:00 p.m. daily, unless the applicant/operator, including any future operator, secures and maintains an Operator License issued by the Chief of Police, pursuant to Chapter 5.25 of the NBMC. In no case shall the interior portion of the eating and drinking establishment be permitted to operate beyond the hour of 2:00 a.m. daily. The outdoor dining patio shall not be permitted to operate beyond the hour of 1:00 a.m., daily.*
4. *The sound attenuating windows on the outdoor dining patio shall be closed from 9:00 p.m. to 8:00 a.m. daily.*
5. *All doors and windows of the interior of the eating and drinking establishment shall remain closed at all times except for the ingress and egress of patrons and employees.*
6. *The Operator License required to be obtained pursuant to Condition No. 3 and Chapter 5.25 may be subject to additional and/or more restrictive conditions to regulate and control potential late-hour nuisances associated with the operation of the establishment.*
7. *Full meal service shall be provided and available for ordering at all times the establishment is open for business.*
8. *The outdoor dining area shall be used in conjunction with the eating and drinking establishment. No special events/promotional activities shall be allowed within the area of the outdoor dining patio.*
9. *The outdoor dining patio shall be limited to 636 square feet in area.*
10. *The outdoor dining area shall be limited to a maximum of 37 seats, including disabled seats/table space. The seating and dining in the outdoor dining patio shall be limited to dining table height (approximately 30 inches) and the use of the elevated counters and barstools is prohibited.*
11. *All employees shall park on on-site.*

12. *The net public area of the interior portion of the eating and drinking establishment shall not exceed 2,560 square feet.*
13. *A minimum of 34 parking spaces shall be provided on-site for the daytime operation of the eating and drinking establishment Monday through Friday. A total of 64 parking spaces shall be provided on-site for all other hours of operation of the establishment (one parking space for each 40 square feet of net public area).*
14. *Prior to implementation of the late hours on the outdoor dining patio, the applicant/operator shall submit a valet parking plan for review and approval by the Public Works Department and Community Development Department/Planning Division. The valet parking plan shall demonstrate that adequate on-site parking, vehicular circulation and pedestrian circulation systems are provided. The valet parking plan shall include the location of valet parking pick-up and drop-off area so as to be shielded from nearby residences on Linda Isle by the subject restaurant building in order to minimize the transmission of noise to Linda Isle to the maximum extent feasible. The parking plan shall include a waiting/queuing area for guests dropping off or picking up automobiles from valet parking and a designated smoking area for patrons of the restaurant.*
15. *The applicant/operator shall conspicuously post and maintain signs at all outdoor dining, waiting, smoking and parking areas indicating to patrons the proximity of the restaurant and public dock and boat slip areas to the residential areas, requesting patrons be courteous to residential neighbors while outside the establishment.*
16. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
17. The applicant/operator shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Conditional Use Permit.
18. The applicant/operator shall maintain a copy of the most recent City permit conditions of approval on the premises and shall post a notice that these are available for review on the premises. The posted notice shall be signed by the permittee.
19. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
20. This Conditional Use Permit may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
21. Approval of Conditional Use Permit No. 2011-007 is for the operation of an eating and drinking establishment defined as "Food Service, Late Hours" per Title 20 of the

NBMC, and does not permit or authorize the use or operation of a bar, tavern, cocktail lounge, nightclub or commercial recreational entertainment venue.

22. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Conditional Use Permit or the processing of a new Conditional Use Permit.
23. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 in conjunction with the service of food as the principal use of the facility. Any upgrade in the alcoholic beverage license shall be subject to the approval of an amendment to this application, and may require the approval of the Planning Commission.
24. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
25. Water should not be used to clean paved surfaces such as sidewalks, driveways, parking areas, etc. except to alleviate immediate safety or sanitation hazards.
26. *The washing of the outdoor dining patio with any cleaning solutions or the use of high pressure or steam cleaning devices is prohibited.*
27. Lighting shall be in compliance with applicable standards of the Zoning Code. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
28. All noise generated by the existing eating and drinking establishment use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between the hours of 7:00 a.m. and 10:00 p.m.	Between the hours of 10:00 p.m. and 7:00 a.m.
Measured at the property line of commercially zoned property:	65 dBA	60 dBA
Measured at the property line of residentially zoned property:	55 dBA	50 dBA
Measured in the interior of a residential structure	45 dBA	40 dBA

-
29. *The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the outdoor dining activity to insure compliance with these conditions, if required by the Community Development Director.*
 30. The applicant/operator of the facility shall be responsible for and shall actively control any noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment.
 31. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
 32. *No live entertainment shall be allowed in the interior of the eating and drinking establishment unless the operator has first obtained a permit from the City.*
 33. *No outside paging system or loudspeaker device shall be used in conjunction with this establishment.*
 34. *No live entertainment shall be permitted in the outdoor dining area. Recorded music or other types of sound amplification within the outdoor dining area shall only be audible to the audience within this area, and shall cease after the hour of 10:00 p.m. daily.*
 35. *No dancing shall be allowed on the premises of the eating and drinking establishment.*
 36. *The applicant/operator shall provide licensed security personnel while offering live entertainment. A comprehensive security plan for the permitted uses shall be submitted for review and approval by the Newport Beach Police Department (NBPD). The procedures included in the plan and any recommendations made by the NBPD shall be implemented and adhered to for the life of the Conditional Use Permit.*
 37. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
 38. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
 39. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
 40. The applicant/operator shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed

necessary by the Code Enforcement Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).

41. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to this Use Permit.
42. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
43. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
44. Kitchen exhaust fans shall be installed/maintained in accordance with the Uniform Mechanical Code. The issues with regard to the control of smoke and odor shall be directed to the South Coast Air Quality Management District.
45. All exists shall remain free of obstructions and available for ingress and egress at all times.
46. Strict adherence to maximum occupancy limits is required.
47. The use of private (enclosed) "VIP" rooms or any other temporary or permanent enclosures separate from public areas are prohibited.
48. All owners, managers and employees selling, serving or giving away alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
49. Any event or activity staged by an outside promoter or entity, where the restaurant owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge, including minimum drink orders or sale of drinks is prohibited.
50. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.

51. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except in conjunction with food service available from the full service menu. There shall be no reduced price alcoholic beverage promotion after 9:00 p.m.
52. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order or sale of drinks is prohibited.
53. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and retail sales during the same period. The licensee shall maintain records that reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the NBPD on demand.
54. No on-site radio, television, video, film or other media broadcasts from the establishment that includes the service of alcoholic beverages shall be permitted without first obtaining an approved Special Event Permit issued by the City. This prohibition of media broadcasts includes recordings to be broadcasted at a later time.
55. All signs shall be in conformance with the provisions of Chapter 20.42 of the Newport Beach Municipal Code.
56. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition.
57. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
58. To the fullest extent permitted by law, applicant/operator shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the 3-Thirty-3 Waterfront Restaurant including, but not limited to, the Use Permit No. 2011-007. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant/operator, City, and/or the parties initiating or bringing such proceeding. The applicant/operator shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant/operator shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. PC 2

Use Permit No. 3325 (amended) and
Accessory Outdoor Dining Permit
No. 2007-001

September 22, 1988

DEBAY
DISANO
EDWARDS
MERRILL
PERSON
POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL			INDEX
<p>Ayes</p> <p>Noes</p>	<p>* * * * *</p> <p>* * * *</p>	<p>ingress/egress on to West Coast Highway. She said that the parking lot is used to avoid the traffic signal at Superior Avenue and West Coast Highway. Commissioner Debay stated that she measured parking spaces that are under eight feet in width and not labeled as compact parking spaces.</p> <p>Motion was voted on to deny Use Permit No. 3323 subject to the findings in Exhibit "B". MOTION CARRIED.</p> <p><u>FINDINGS:</u></p> <ol style="list-style-type: none"> 1. That the proposed on-site parking is inadequate for the subject take-out restaurant and further that said restaurant is located adjacent to a residential area where the existing demand for on-street parking is very high. 2. That the proposed take-out restaurant is not compatible with the surrounding residential land uses. 3. The approval of Use Permit No. 3323 will, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood and will be detrimental and injurious to property or improvements in the neighborhood and the general welfare of the City. 	
		<p style="text-align: center;">* * *</p> <p><u>Use Permit No. 3325 (Public Hearing)</u></p> <p>Request to increase the allowable occupancy of the former Baxter's Restaurant facility, and to establish a new parking requirement based upon "net public area". The proposal also requests to change the operational characteristics of the former restaurant facility which served breakfast, lunch, and dinner, and maintained a cocktail lounge with live entertainment and dancing. The proposed restaurant will consist of a bar and a dining room with incidental background music, and will only be open for business between 5:00 p.m. and 2:00 a.m. daily and for Sunday brunch. The proposal also includes the utilization of on-site parking spaces and reciprocal parking on adjoining commercial property, and a modification to the Zoning Code so as to permit a valet parking service.</p>	<p>Item No.4</p> <p>UP3325</p> <p>Approved</p>

September 22, 1988

DEBAY
D. SANO
EDWARDS
MERRILL
PERSON
ROMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

LOCATION: Lots A and B of Parcel Map 6-10 (Resubdivision No. 249) and a portion of Lot 1, Tract No. 5361, located at 333 Bayside Drive, on the southwesterly corner of East Coast Highway and Bayside Drive, across from the De Anza Mobile Home Park.

ZONE: C-1-H

APPLICANT: Hans Prager, Newport Beach

OWNER: Marvin Burton, Newport Beach

The public hearing was opened in connection with this item, and Mr. Hans Prager, applicant, appeared before the Planning Commission. Mr. Prager described the New England themed "Yankee Tavern" Restaurant, and he stated that said restaurant will be open during the dinner hours and there are plans to open for Sunday Brunch.

Mr. Marvin Burton, property owner, appeared before the Planning Commission. Mr. Burton stated that he had conferred with the applicant regarding the findings and conditions in Exhibit "A", and that they had agreed with same. Mr. Burton distributed letters from Mr. Wambaugh, Linda Isle, and Ms. Lynne Valentine, occupant of the ground floor on the adjacent property south of the subject site, who are in support of the subject application.

In response to a question posed by Commissioner Merrill, Mr. Prager replied that the restaurant is proposed to be open by February 1, 1989.

In response to a question posed by James Hewicker, Planning Director, Mr. Prager replied that the restaurant will employ their own valet service.

There being no others desiring to appear and be heard, the public hearing was closed at this time.

Motion was made to approve Use Permit No. 3325 subject to the findings and conditions in Exhibit "A".

Commissioner Person stated that he would support the motion based on the applicant's successful record as a restaurateur in Newport Beach.

Motion

*

September 22, 1988

DEBAY
DI SANO
EDWARDS
MERRILL
PERSON
POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL		INDEX
All Ayes	<p>Commissioner Di Sano concurred with the foregoing statement in support of the use permit application.</p> <p>Chairman Pomeroy stated his support of the motion, and the characteristics of the restaurant.</p> <p>Motion was voted on to approve Use Permit No. 3325 subject to the findings and conditions in Exhibit "A". MOTION CARRIED.</p> <p><u>FINDINGS:</u></p> <ol style="list-style-type: none"> 1. That the subject proposal is consistent with the Land Use Element of the General Plan and with the Local Coastal Program and is compatible with the surrounding land uses. 2. That the project will not have any significant environmental impact. 3. That the waiver of the development standards as they pertain to walls, utilities, parking lot illumination, and landscaping will not be detrimental to adjoining properties. 4. That the restaurant will be open only during those hours when office uses on the site and in the adjoining building are closed for business. 5. That the design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of any property within the proposed development. 6. That public improvements may be required of a developer per Section 20.80.060 of the Municipal Code. 7. That the approval of Use Permit No. 3325 will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. 8. That the approval of a modification to the Zoning Code, so as to allow the use of valet parking will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, 	

September 22, 1988

DEBAY
DISANO
EDWARDS
MERRILL
PERSON
POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL	INDEX
	<p>comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City and further that the proposed modification is consistent with the legislative intent of Title 20 of this Code.</p> <p><u>CONDITIONS:</u></p> <ol style="list-style-type: none"> 1. That development shall be in substantial conformance with the approved plot plan, floor plan, and elevations except as provided in the following conditions. 2. That all employees of the restaurant shall park in the shared, on-site parking lot. 3. That 64 parking spaces shall be provided for the restaurant during restaurant operating hours. 4. That onsite parking, vehicular circulation and pedestrian circulation systems be subject to further review by the Traffic Engineer. 5. That handicapped parking shall be provided as required by Code, and that the required number of handicapped parking spaces shall be designated solely for handicapped self parking and shall be identified in a manner acceptable to the City Traffic Engineer. Said parking spaces shall be accessible to the handicapped at all times. A handicapped sign on a post shall be required for each handicapped parking space. 6. That all improvements be constructed as required by Ordinance and the Public Works Department. 7. That all trash areas and mechanical equipment shall be screened from views from Bayside Drive, East Coast Highway, and adjoining properties. 8. That the operating hours of the restaurant shall be 5:00 p.m. to 2:00 a.m. Monday through Saturday, and 9:00 a.m. to 2:00 a.m. on Sundays. 9. That grease interceptors shall be installed on all fixtures on the restaurant facility where grease may be introduced into the drainage system in accordance with the provisions of the Uniform

September 22, 1988

DEBAY
DISANO
EDWARDS
MERRILL
PERSON
POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL			INDEX
		<p>Building Code, unless otherwise provided by the Building Department and the Public Works Department.</p> <p>10. That kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department.</p> <p>11. That a washout area for refuse containers be provided in such a way as to allow direct drainage into the sewer system and not into the Bay or storm drains unless otherwise approved by the Building Department and the Public Works Department.</p> <p>12. That a trash compactor be provided in the restaurant facility.</p> <p>13. That restaurant development standards pertaining to walls, landscaping, utilities, and parking lot illumination shall be waived. Said waiver does not include the required public improvements.</p> <p>14. That Coastal Commission approval shall be obtained prior to the issuance of building permits.</p> <p>15. That the Planning Commission may add to or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit upon a determination that the operation which is the subject of this amendment causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.</p> <p>16. That this use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090 A of the Newport Beach Municipal Code.</p> <p style="text-align: center;">* * *</p>	

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EDWARDS
SLOVER
GROSS
MERKLE
FOMEROY

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

7. That the Planning Commission may add or modify conditions of approval to the use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort or general welfare of the community.
8. That this use permit shall expire if not exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

* * *

Use Permit No. 3325 (Amended) (Public Hearing)Item No. 4

Request to amend a previously approved use permit which permitted a change in the allowable occupancy of an existing restaurant located in the C-1-H District. Said approval also included: a change in the operational characteristics of the restaurant so as to include a bar and dining area with background music; the establishment of a new parking requirement; the retention of a valet parking service; the establishment of operational hours from 5:00 p.m. to 2:00 a.m. Monday through Saturday and 9:00 a.m. to 2:00 a.m. on Sunday; and the continued use of a reciprocal parking arrangement with an adjoining commercial property. The proposed amendment includes a request to amend Condition No. 8 of the existing use permit so as to permit the restaurant to be open for Saturday lunch.

UP3325AApproved

LOCATION: Lots A and B of Parcel Map 6-10 (Resubdivision No. 249) and a portion of Lot 1, Tract No. 5361, located at 333 Bayside Drive, on the southwesterly side of Bayside Drive, between East Coast Highway and Linda Isle Drive.

ZONE: C-1-H

APPLICANT: Hans Prager, Newport Beach

OWNER: Marvin Burton, Newport Beach

COMMISSIONERS

DEBAY
D. SANDO
EDWARDS
GLOVER
GROSS
MERLILL
POWER

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

James Hewicker, Planning Director, stated that two letters of opposition from Linda Isle residents were received by staff regarding the request. The concerns expressed may be a misunderstanding of the public notice, inasmuch as the restaurant currently is open until 2:00 a.m., and the proposed application only establishes a lunch hour on Saturdays.

In response to a question posed by Commissioner Edwards, Mr. Hewicker explained that no noise problems have been registered with the Police Department by Linda Isle residents towards the subject restaurant.

The public hearing was opened in connection with this item, and Mr. Jerry King appeared before the Planning Commission on behalf of the applicant, and he concurred with the findings and conditions in Exhibit "A".

There being no others desiring to appear and be heard, the public hearing was closed at this time.

Commissioner Debay suggested that Mr. King notify the concerned Linda Isle residents for the purpose of clarification of the restaurant's operating hours.

Motion
All Ayes

Motion was made and voted on to approve Use Permit No. 3325 subject to the findings and conditions in Exhibit "A". MOTION CARRIED.

FINDINGS:

1. That the proposed development is consistent with the Land Use Element of the General Plan and the Local Coastal Program, Land Use plan, and is compatible with the surrounding land uses.
2. That the project will not have any significant environmental impact.
3. That adequate parking is available to accommodate the proposed change in the hours of operation of the restaurant.
4. That the waiver of the development standards as they pertain to walls, utilities, parking lot illumination, and

COMMISSIONERS

FONEROY
 MERRILL
 GROSS
 GLOVER
 EDWARDS
 D. SANDOZ
 DEBAY

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

landscaping, will not be detrimental to adjoining properties.

5. That the approval of Use Permit No. 3325 (Amended) will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

CONDITIONS:

1. That the proposed development shall be in substantial conformance with the approved site plan and floor plan.
2. That all previous applicable conditions of approval for Use Permit No. 3325 shall be fulfilled.
3. That the hours of operation of the restaurant shall be from 5:00 p.m. to 2:00 a.m. Monday through Friday and from 9:00 a.m. to 2:00 a.m. on Saturday and Sunday.
4. That Coastal Commission approval shall be obtained prior to the establishment of the Saturday lunchtime operation of the restaurant.
5. That a minimum of one parking space for each 41± square feet of "net public area" (62 spaces) shall be provided during the Saturday lunch operation of the restaurant and one parking space for each 40 square feet of "net public area" for all other hours of the restaurant's operation.
6. That the Planning Commission may add or modify conditions of approval to the use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort or general welfare of the community.
7. That this use permit shall expire if not exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

* * *

CITY OF NEWPORT BEACH

May 4, 1995

ROLL CALL							INDEX
						<p>live entertainment shall be confined to the interior of the structure; and further that when the live entertainment is performed, all windows and doors within the restaurant shall be closed except when entering and leaving by the main entrance of the restaurant.</p> <p>4. That no dancing shall be permitted in the restaurant unless the Planning Commission approves an amendment to this use permit.</p> <p>5. That all previously applicable conditions of approval of Use Permit No. 1806 (Amended) shall remain in effect as a part of this approval.</p> <p>6. That the Planning Commission may add or modify conditions of approval to the use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, cause injury, or is detrimental to the health, safety, peace, morals, comfort or general welfare of the community.</p> <p>7. That this use permit shall expire unless exercised within 24 months of the date of approval as specified in Section 20.82.090A of the Newport Beach Municipal Code.</p>	
						<p style="text-align: center;">* * *</p> <p><u>Use Permit No. 3325 (Amended) (Public Hearing)</u></p> <p>Request to amend a previously approved use permit which permitted a change in the allowable occupancy of an existing restaurant located on property located in the RMC-H District. Said approval also included: a change in the operational characteristics of the restaurant so as to include a bar and dining area with background music; the establishment of a new parking requirement; the retention of a valet parking service; the establishment of operational hours from 5:00 p.m. to 2:00 a.m. Monday through Friday and from 9:00 a.m. to 2:00 a.m. on Saturday and Sunday; and the continued use of a reciprocal parking arrangement with an adjoining commercial property. The proposed amendment requests a change in the operational characteristics to change the opening hour to 11:00 a.m., so as to provide lunch service on a daily basis, where the lunch service is currently limited to Saturdays and Sundays only; and to waive a portion of the required offstreet parking spaces for the daytime use.</p>	<p><u>Item No. 2</u></p> <p><u>UP3325A</u></p> <p><u>Approved</u></p>

CITY OF NEWPORT BEACH

May 4, 1995

CITY OF NEWPORT BEACH															May 4, 1995	
ROLL CALL															INDEX	

CITY OF NEWPORT BEACH

May 4, 1995

CITY OF NEWPORT BEACH																				May 4, 1995	
ROLL CALL		ADAMS	BROWN	DISANO	GIFFORD	KRANZLEY	POMEROY	RIDGEWAY													INDEX
<u>FINDINGS:</u>																					
1. That the proposed development is consistent with the Land Use Element of the General Plan and the Local Coastal Program, Land Use plan, and is compatible with the surrounding land uses.																					
2. That the project will not have any significant environmental impact.																					
3. That adequate parking is available to accommodate the proposed change in the hours of operation of the restaurant.																					
4. That the waiver of the development standards as they pertain to a portion of the off-street parking (30 daytime parking spaces during the week) walls, utilities, parking lot illumination, and landscaping, will not be detrimental to adjoining properties.																					
5. That the approval of Use Permit No. 3325 (Amended) will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.																					
<u>CONDITIONS:</u>																					
1. That the proposed development shall be in substantial conformance with the approved site plan and floor plan.																					
2. That all previous applicable conditions of approval for Use Permit No. 3325 and Use Permit No. 3325 (Amended) shall be fulfilled.																					
3. That the hours of operation of the restaurant shall be limited between 9:00 a.m. and 2:00 a.m., daily.																					
4. That Coastal Commission approval shall be obtained prior to the establishment of the weekday daytime operation of the restaurant.																					
5. That a minimum of 34 parking spaces shall be provided for the daytime operation of the subject restaurant during the week. A																					

-9-

CITY OF NEWPORT BEACH

May 4, 1995

ROLL CALL	INDEX
	<p>minimum of one parking space for each 41± square feet of "net public area" (62 spaces) shall be provided during the Saturday daytime operation of the restaurant, and one parking space for each 40 square feet of "net public area" (64 spaces) for all other hours of the restaurant's operation.</p> <p>6. That the development standards pertaining to a portion of the required parking spaces (30 daytime parking spaces during the week) walls, utilities, parking lot illumination, and landscaping,, are waived.</p> <p>7. That the Planning Commission may add or modify conditions of approval to the use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort or general welfare of the community.</p> <p>8. That this use permit shall expire if not exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.</p> <p style="text-align: center;">* * *</p> <p><u>Use Permit No. 3551 (Continued Public Hearing)</u></p> <p>Request to permit the establishment of a nautical museum in a floating structure currently occupied by Charley Brown's Restaurant, where the related off-street parking area is located in the RMC-H District. The proposed facility will include exhibit space, a meeting area, a library, a gift store and a cafe with on-sale beer and wine on the floating structure, with related off-street parking on the adjoining upland parcel. The proposal also includes a request to permit live entertainment, dancing, and alcoholic beverages for various museum functions, weddings, and other private parties.</p> <p>LOCATION: Lot A , Tract No. 5361, Parcel 4 of Parcel Map 93-111 (Resubdivision No. 995) and a portion of Block 54 of Irvine's Subdivision, located at 151</p>
	<p>Item No.3</p> <p><u>UP3551</u></p> <p><u>Approved</u></p>

RESOLUTION NO. 1724

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING ACCESSORY OUTDOOR DINING PERMIT NO. 2007-001 FOR CONSTRUCTION AND OPERATION OF A 636-SQUARE FOOT OUTDOOR DINING AREA ON PROPERTY LOCATED AT 333 BAYSIDE DRIVE (PA2007-004)

WHEREAS, an application was filed by Jeff Reuter with respect to property located at 333 Bayside Drive, and legally described as Lots A & B of Parcel Map Book 6 Page 10 (Revised #249) and Portion of Lot 1 Tract 5361, requesting approval of an Accessory Outdoor Dining Permit to allow the construction and operation of a 636 square-foot outdoor dining area in conjunction with the existing full-service restaurant; and

WHEREAS, on June 7 and June 21, 2007, the Planning Commission held a noticed hearing in the City Hall Council Chambers, at 3300 Newport Boulevard, Newport Beach, California at which time the project application was considered. Notice of time, place and purpose of the public hearing was given in accordance with law and testimony was presented to, and considered by, the Planning Commission at the hearing; and

WHEREAS, the Planning Commission makes the following findings required for approval of an Accessory Outdoor Dining Permit pursuant to Section 20.82.050 (B) of the Zoning Code:

1. Finding: That the proposed outdoor dining is accessory to the eating and drinking establishment.

Facts in Support of Finding: The proposed outdoor dining area is accessory to the existing 2,538 square-foot restaurant and is proposed to have a floor area of 636 square feet which is 25% of the existing restaurant consistent with Municipal Code Section 20.82.050 (A) that limits accessory outdoor dining areas to 25 percent of the existing restaurant's interior 2,538 square-foot net public area, or 1,000 square feet, whichever is less.

2. Finding: The establishment, maintenance or operation of the accessory outdoor dining will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or injurious to property or improvements in the area.

Facts in Support of Finding:

- The use is accessory to the existing restaurant use, subject to all the findings and conditions of approval of Use Permit No. 3325 and its amendments, except as limited by this approval and is not an independent use.

- The proposed outdoor dining area subject to conditions of approval which include limitation on hours of operation, limitations on seating, partial enclosure of the under-patio smoking area, and relocation of other existing outdoor smoking areas to the front of the subject building will minimize the transmittal of sound to nearby residential uses thereby reducing the potential noise impacts to the nearby residential uses.
- The operation of the proposed development will minimally increase the outdoor noise level in the immediate vicinity. The noise study performed by the independent consultant shows that audible noise will be generated by the proposed outdoor dining area; however, reduction in the number of seats from 45 to 37 on the proposed outdoor patio, limitation of hours of food and/or drink service on the proposed patio to between the hours of 8:00 AM and 9:00 PM with all use and occupancy of the proposed patio to cease by 9:30 PM, and the requirement of a full-height wall/noise barrier with locking windows to be closed at 7:00 PM which barrier shall be constructed consistent with plans accompanying the project application.

3. Finding: That the proposed accessory outdoor dining will not be located so as to result in reduction of existing parking spaces.

Facts in Support of Finding: The proposed outdoor dining area will be located behind the existing building, overlooking the waterway, and thereby will not result in a reduction of the existing parking spaces located in the front of the building. Furthermore, Section 20.82.050 (A) does not require additional parking for accessory outdoor dining areas.

WHEREAS, the project qualifies for a Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act.

WHEREAS, the Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorney's fees, and damages which may be awarded to a successful challenger; and

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Planning Commission of the City of Newport Beach hereby approves Accessory Outdoor Dining Permit No. 2007-001, subject to Conditions of Approvals in Exhibit "A" attached hereto and made part hereof.

Section 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk

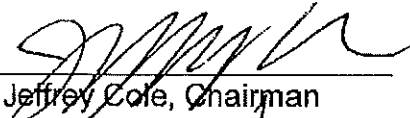
in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF JUNE 2007.

AYES: Eaton, Cole and McDaniel

NOES: Hawkins, and Toerge

EXCUSED: Hillgren and Peotter

BY: 
Jeffrey Cole, Chairman

BY: 
Robert Hawkins, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL

ACCESSORY OUTDOOR DINING PERMIT NO. 2007-001

Conditions in ***bold-italics*** are project specific conditions. All others are standards conditions.

Planning Department

1. ***The development shall be in substantial conformance with the site plan and floor plan included with the application for approval of the accessory outdoor dining, except as noted in the following conditions.***
2. ***The outdoor dining area shall be used in conjunction with the existing full-service restaurant. No special events, promotional activities, private functions or private parties shall be allowed within the outdoor dining area.***
3. ***The outdoor dining area shall be limited to 636 sq. ft.***
4. ***The outdoor dining area shall be limited to a maximum of 37 seats, including handicap seats/table space. The seating and dining in the outdoor area shall be limited to dining table height (approximately 30 inches) and the use of elevated counters and barstools is prohibited.***
5. ***The outdoor dining area shall be provided with a full-height combination wall and sound attenuating window assembly consistent with plans submitted with this application for accessory outdoor dining and such assembly shall extend from the floor of the deck to the height of the underside of the existing roof and shall extend along the full length of the westerly side (overlooking the Bay) and southerly sides of the outdoor dining area. If constructed of glass or Plexiglas-type material, the partition shall be of solid construction, except that operable type sound attenuating windows shall be allowed. The sound attenuating windows shall be closed and locked from 7:00 p.m. to 8:00 a.m. The final sound attenuating window design and tamper-proof locking mechanism shall be subject to the approval of Planning Director and shall be maintained in good working order.***
6. ***The hours of operation of the outdoor dining area are limited to between the hours of 9:00 a.m. to 9:30 p.m., daily. Table service shall stop at 9:00 p.m. and all use of the outdoor dining area shall cease by 9:30 p.m., with the exception of clean up activities by the employees. The outdoor dining area shall be closed and not occupied after 9:30 p.m. The interior restaurant operation shall be governed by the hours specified in conjunction with the approval of Use Permit No. 3325 and its amendments.***

7. *Prior to occupancy or use of the outdoor dining area, the applicant shall install on the west and south elevations a full height, solid glass or Plexiglas wall/screen partition on or near the bulkhead that extends from the bottom (underside) of the proposed dining deck to the ground. The design of the wall/partition and the method of installation shall be reviewed and approved by the Planning Director. The configuration of the area below the dining deck shall be in accordance with the approved floor plan that shows only a walkway and landscape area.*
8. *The applicant shall submit to the Public Works Department a parking and on-site circulation plan consistent with the conditions of approval of the use permit previously granted for operation of the indoor restaurant and as referenced in Condition 24, below. The parking plan shall include location of valet parking pick-up and drop-off area that is located so as to be shielded from nearby residences on Linda Isle by the subject restaurant building so to minimize the transmission of noise to Linda Isle to the maximum extent feasible. The parking plan shall include a waiting/queuing area for guests dropping off or picking up automobiles from valet parking and a designated smoking area for patrons of the restaurant.*
9. *Alcoholic beverage service shall be prohibited in the outdoor dining areas, unless the approval of the Police Department and the State Department of Alcoholic Beverage Control are first obtained. Any substantial physical changes required (as determined by the Planning Department) to accommodate alcoholic beverage service shall be subject to the approval of an amendment to this Outdoor Dining Permit.*
10. *All applicable conditions of approval of Use Permit No. 3325 and its amendments shall remain in force.*
11. *The noise generated by the outdoor dining activity shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. That is, the sound shall be limited to no more than depicted below for the specified time periods:*

	<i>Between the hours of 7:00 a.m. and 10:00 p.m.</i>	<i>Between the hours of 10:00 p.m. and 7:00 a.m.</i>
<i>Measured at the property line of commercially zoned property:</i>	65 dBA	60 dBA
<i>Measured at the property line of residentially zoned property:</i>	55 dBA	50 dBA
<i>Measured in the interior of a residential structure</i>	45 dBA	40 dBA

12. *The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the outdoor dining activity to insure compliance with these conditions, if required by the Planning Director.*
13. *No amplified music or entertainment is permitted in the outdoor dining area. No outside paging system, loudspeaker or other noise generating device shall be utilized in conjunction with this outdoor dining area.*
14. *The proprietor shall actively control any noise generated by the patrons of the facility.*
15. Light sources within the outdoor dining areas and the parking lot shall be designed or altered to eliminate light and glare spillage onto adjacent properties or uses. Prior to issuance of a certificate of occupancy, the applicant shall demonstrate to the Planning Department that the exterior lighting system has been designed and directed in such a manner as to conceal the light source and to minimize light spillage and glare to the adjacent properties. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.
16. Trash receptacles for patrons shall be conveniently located outside of the related food service facility to serve the accessory outdoor dining area or the area shall be actively bused to minimize the potential for trash to fall into the Bay or elsewhere on the subject property.
17. *Roof coverings over the outdoor dining area shall not have the effect of creating a permanent enclosure. The use of any other type of overhead covering shall be subject to review and approval by the Planning Director*

and may require an amendment to this permit or an amendment to Use Permit No. 3325.

18. ***This approval and operations and use of the outdoor patio shall be subject to periodic review by the Planning Commission, being one (1) year from the issuance of the certificate of occupancy for the outdoor dining area, to determine compliance with the conditions of approval and to determine the effectiveness of the conditions of approval to prevent or mitigate noise impacts or problems.***
19. The Planning Department may add to or modify conditions of approval to this outdoor dining permit, or revoke this approval upon a finding of failure to comply with the conditions set forth in Chapter 20.82 of the Municipal Code or other applicable conditions and regulations governing the food establishment. The Planning Director may also revoke of this permit upon a determination that the operation which is the subject of this approval causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
20. This approval shall expire unless exercised within 24 months from the end of the appeal period as specified in Section 20.91.050 of the Newport Beach Municipal Code.
21. ***The applicant shall conspicuously post and maintain signs at all outdoor dining, waiting, smoking and parking areas indicating to patrons the proximity to residential areas and to be courteous to residential neighbors while outside the establishment.***

Public Works Department

22. The area outside of the food establishment, including the public sidewalks, shall be maintained in a clean and orderly manner and may be subject to providing periodic steam cleaning of the public sidewalks as required by the Public Works Department.
23. All on-site runoff generated (including rainfall runoff) within the outdoor dining area shall be plumbed for discharge into the existing on-site sanitary sewer system. City (Public Works Department, Code Enforcement and Water Quality Division and Utilities Department) approval of such discharge system is required. The washing of the deck surface with any cleaning solutions or the use of high pressure or steam cleaning devices is prohibited.
24. ***The applicant shall submit a valet parking plan to the Public Works Department that shows the parking, valet station and pick up and drop off area shall be reviewed to determine compliance with the provisions of Condition of Approval No. 4 of Use Permit No. 3325 as approved by the Planning Commission on September 22, 1988.***

Building Department

25. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code.

Attachment No. PC 3

NBPD Memorandum

**City of Newport Beach
Police Department**

M e m o r a n d u m

April 4, 2011

TO: Janet Johnson Brown, Associate Planner

FROM: Detective Bryan Moore

SUBJECT: 3-Thirty-3 Waterfront Restaurant, 333 Bayside Drive, Use Permit No. UP2011-007 (PA2011-041).

At your request, the Police Department has reviewed the project application for *3-Thirty-3 Waterfront Restaurant*, located at 333 Bayside Drive, Newport Beach. Per the project description, the applicant is requesting a use permit application to extend the hours of operation for an existing outdoor dining patio from 9:00 a.m. to 9:30 p.m. daily to 9:00 a.m. to 1:00 a.m. daily. Approval of an Accessory Outdoor Dining Permit was granted by the Planning Commission on June 21, 2007, allowing a 636-square foot outdoor dining area with a maximum of 37 seats. Elevated counters and barstools were prohibited. The sound attenuating windows are required to be closed and locked from 7:00 p.m. to 8:00 a.m. to minimize noise impacts to the residential development on Linda Isle, located across a channel approximately 215 feet from the outdoor dining patio.

The applicant currently holds a Type 47 (General – Eating Place) license with the Department of Alcoholic Beverage Control.

Applicant History

The applicant, Jeff Reuter, has been a resident of the City of Newport Beach for the past 58 years. He has been involved in the restaurant business, either as a manager or owner, for approximately 40 years. He is currently the owner of 3-Thirty-3 Waterfront which has been operating on Bayside Drive since 2004.

3-Thirty-3 Waterfront restaurant provides a high quality menu in a relaxed, but elegant atmosphere. The restaurant also features live entertainment and a lively bar scene on the weekends until 2 a.m.

It should be noted that the Police Department has received several complaints (in the last year) from residents on Linda Isle alleging disturbances/noise from 3-Thirty-3 Waterfront. After subsequent investigations (by the NBPD) as well as interviews with the owner and the complaining parties, it was evident that the noise was being generated from patrons on the nearby docks/boats. Many of these patrons were arriving to or leaving 3-Thirty-3 and/or Sol restaurant.

During these investigations there was no indication that the patio at 3-Thirty-3 was the source of the noise complaints.

After several discussions with Mr. Reuter it appeared as though he took reasonable steps to mitigate the noise on the docks as the complaints to the Police Department have recently declined.

Police Activities and Calls for Service Data

The below information represents the time period between March 30, 2010 through March 30, 2011:

TYPE	CALLS/INCIDENTS	NOTES
Citizen Assist	12	Assist, keep the peace and suspicious circs
Public Intoxication	9	Drunk subject(s) causing a disturbance
Disturbances	6	Noise (patrons on patio and dock area)
DUI Drivers	9	Reports of DUI's leaving the loc *
DUI Arrest	18	Arrestee had been drinking at loc
Batteries/Assaults	4	Subjects fighting or preparing to fight
Miscellaneous	20	Traffic, alarms and medical aids
Municipal Code	3	Patio violation, bandit taxi, etc
Officer Initiated	17	Vehicle stops, bar checks, etc.
Vandalism	1	Patron vandalized bathroom sink

* It should be noted that 5 of the reports of DUI drivers were made by an employee of 3-Thirty-3.

Recommendations

The Police Department has no objection to the operation as described by the applicant.

It should be noted that the proposed operation will offer alcoholic beverage service (for on-site consumption) in combination with food service, late hours, and live entertainment. As a result, the applicant/operator will be subject to an Operator's License issued by the Chief of Police.

Signs and Displays

Any signs or displays would need to conform to City requirements. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Hours of Operation

The current operating hours of the restaurant are from 9:00 a.m. to 2:00 a.m., daily.

The proposed hours of the outdoor patio are from 9:00 a.m. to 1:00 a.m. daily.

Security

The applicant shall provide licensed security personnel while offering live entertainment. A comprehensive security plan for the permitted uses shall be submitted for review and approval by the Newport Beach Police Department.

The procedures included in the plan and any recommendations made by the Police Department shall be implemented and adhered to for the life of the Use Permit.

Employee Training

Require all owners, managers, and employees selling alcoholic beverages to undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.

Additional Comments

For the purposes of this application, staff may also want to consider establishing conditions that would require a Special Event Permit. A Special Event Permit may be required for any event or promotional activity outside the normal operational characteristics of the proposed operation. For example, events likely to attract large crowds, events for which an admission fee is charged, events that include any form of contract promoters, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

Other Recommended Conditions

In addition, the Police Department has determined that the following conditions would be appropriate for the Conditional Use Permit for the business:

1. Approval does not permit 3-Thirty-3 Waterfront to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a Use Permit.
2. Full menu food service shall be available for ordering at all times that the restaurant establishment is open for business.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. Food from the full service menu must be made available during any "happy hour" type of reduced price alcoholic beverage promotion. There shall be no reduced price alcoholic beverage promotion after 9 p.m.
5. VIP passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order or sale of drinks is prohibited.

6. The use of private (enclosed) "VIP" rooms or any other temporary or permanent enclosures separate from public areas are prohibited.
7. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
8. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
9. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit issued by the City of Newport Beach.
10. There shall be no live entertainment allowed on the premises without first obtaining a permit from the City.
11. Noise from the live entertainment shall be confined to the interior of the structure.
12. There shall be no dancing allowed on the premises.
13. Strict adherence to maximum occupancy limits is required.
14. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

If you have any questions, please contact Detective Bryan Moore at (949) 644-3725.



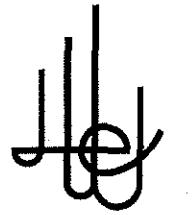
Bryan Moore, ABC Liaison
Detective Division



Craig Fox, Captain
Detective Division Commander

Attachment No. PC 4

Project Plans and Photographs



NEW OUTDOOR DINING DECK
FOR
EXISTING RESTAURANT AT 333 BAYSIDE DRIVE
NEWPORT BEACH, CA 92660



HEET NUMBER
A-2.0

15



FLDT DATE: 07-13-06

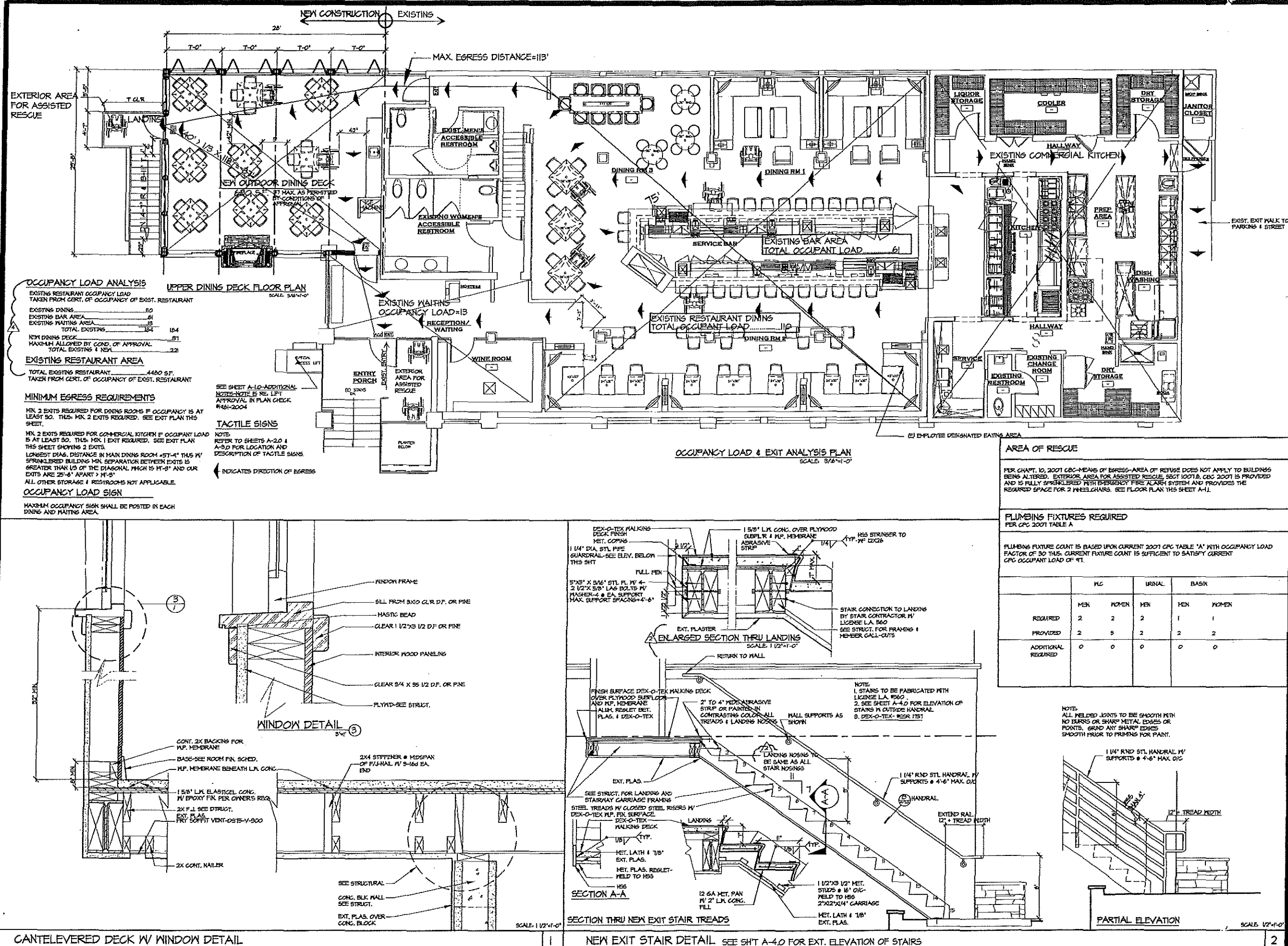


NEW OUTDOOR DINING DECK
FOR
EXISTING RESTAURANT AT 333 BAYSIDE DRIVE
NEWPORT BEACH, CA 92660

REVISION OR ISSUANCE RECORD		
NUMBER	DATE	DESCRIPTION
1	1-4-06	THIS ENTIRE SHEET ADDED
2	5-6-04	P.C. CORR.
3	1-5-06	P.C. CORR.
4	1-4-04	P.C. CORR. 1 CLARIFICATION



SHEET NUMBER
A-1.1



E-Mail: JEWELSARCH@AOL.COM
3857 BIRCH STREET, SUITE 450
NEWPORT BEACH, CALIFORNIA 92660
PHONE: (949) 650-9300
FAX: (949) 650-9301

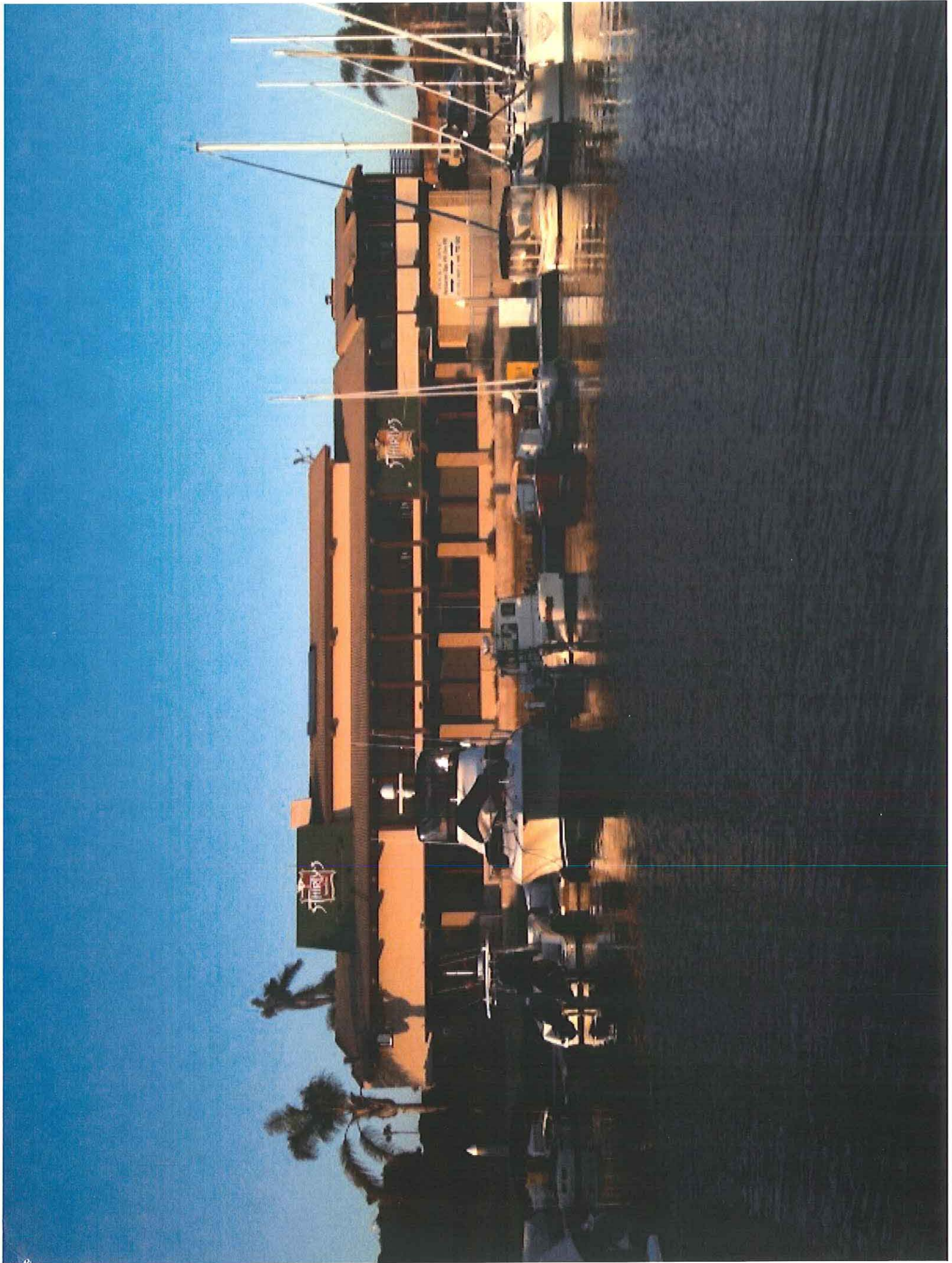


NEW OUTDOOR DINING DECK
FOR
EXISTING RESTAURANT AT 333 BAYSIDE DRIVE
NEWPORT BEACH, CA 92660



SHEET NUMBER
A-4.0

1

















Attachment No. PC 5

Applicant's Written Statement

This letter to the Planning Department is for review and consideration for the Planning Commission package.

Please allow me to introduce myself, my name is Jeff Reuter. I have been a resident of Newport Beach for all of my 58 years. Currently I am the owner of 3-Thirty-3 Waterfront restaurant on the corner of Bayside Drive and Pacific Coast Highway. We have been open now for a little over six years. Our particular location has been a number of restaurants dating back to Isadore's and Wuben's some forty years ago. Most recently, before us it was owned by Hans Prager of The Ritz restaurant and then Dave Salisbury; it was then called the Yankee Tavern.

Without going into too much depth, I would like to give you a little background. All of my predecessors dating back forty years had some kind of plan to build an outdoor patio at our restaurant location; given the fact that we are a beach community with only a few restaurants on the water, and only a handful that have an outdoor eating area. All of them "bailed" on the idea when they found out the costs involved and the amount of work it would take to get it through the city process. Some made it as far as submitting plans and then gave up. I decided that the citizens needed it after making a post card size comment card and inserting them in the guest checks. We received thousands of responses from our customers over the years, not one has been negative; so we began the process.

Long story short, it has turned out to be the nightmare my predecessors imagined it might be; but in the years to come, all of Newport will be very glad we did go to the trouble, the pain and suffering will long be forgotten. The project that was supposed to take six months and \$400,000.00 to build a 600 square foot patio (no restroom, kitchen, bar, - just a patio) – took a year and four months and cost over \$800,000.00.

It will take approximately 15-18 years to pay for itself at our current rate, not the 3-5 that was anticipated.

The purpose of our application is because when we applied, and were granted permission to build; a stipulation was invoked because of two individuals that live on Linda Isle directly across from the restaurant location. Forgetting that the restaurants, gas station, and car dealership were there long before the houses on Linda were built; it was "assumed" that the bar patrons were going to be loud and that the noise might carry over to the contiguous houses. We attempted to explain that the patio was going to be strictly dining, and that it would be perfectly quiet at all times; but because of the ranting's of those individuals, the Council put a closing time of 9:30 p.m. on the patio. Our restaurant neighbor 50 feet to our right has an outdoor patio with no roof that is open until 2:00 A.M. – 7 days a week, and is attached to their bar.

We have waited this long to submit our application to prove that the patio is exactly what we said it was going to be; a full service dining area ONLY. All the tables are low level, (no bar stools) and the clientele is slightly older than our patrons inside; exactly what we were trying to accomplish. At any given time the patio is in use, absolutely NOTHING can be heard from the outside of the building. The windows are never opened past dusk,

(they have only been opened during the day a couple times as the wind is way too cold coming down the harbor channel), and the roof is always closed. You can barely hear people talking if you are standing IN THE ROOM.

If you are not familiar with the location, I ask that you stop by at your convenience to see exactly what I am talking about. I can see how there could have been a misconception on paper as to the noise that could be generated by patrons drinking and partying late into the evening out on the deck; but I assure you, that is not the case in any way.

Given the new laws that have been enacted regarding the Police Departments ability to curtail establishments that are "out of line"; I ask that the same consideration be given to situations like this where we be allowed to further prove we are exactly what we say we want to be, a nice, quiet place to have dinner outside; taking in the waterfall, fireplace, and the harbor view.

Once again I apologize for this type of introduction, but it is imperative that you have as much time and information, as is available to help correct a situation that was misunderstood initially, and is in the best interest of all parties, when resolved.

I Thank You for taking the time to read this, and would like to give you a call after you have received the staff report to see if I may answer any questions or concerns that you might have.

Sincerely,

Jeff Reuter
3-Thirty-3 Waterfront

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

May 19, 2011 Hearing

Agenda Item 3

SUBJECT: Fisher Residence - (PA2010-034)
3725 Ocean Boulevard
▪ Variance No. VA2010-001
▪ Modification Permit No. 2010-006

APPLICANT: John McInnes, Architect

PLANNER: Kay Sims, Assistant Planner
(949) 644-3237, ksims@newportbeachca.gov

PROJECT SUMMARY

The applicant requests approval of a variance to allow a proposed single-family dwelling to exceed the 24-foot height limit for flat roofs within the R-1 (Single-Unit Residential) Zoning District. Additionally, the proposed single-family dwelling would exceed the "top of curb" height limit for properties on the bluff side of Ocean Boulevard. The applicant also requests a modification permit to allow the proposed single-family dwelling to encroach into the required 10-foot front and 4-foot side setbacks (caissons); and site-retaining walls (and caissons) with related railings adjacent to the side property lines which exceed the 6-foot height limit allowed within side setback areas.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____, approving Variance No. VA2010-001 and Modification Permit No. 2010-006 (Attachment No. PC 1).

VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwelling
NORTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwelling
SOUTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwelling
EAST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwelling
WEST	Pacific Ocean	Pacific Ocean	Pacific Ocean

INTRODUCTION

Project Setting and Background

The subject site is located in Corona del Mar on the bluff side of Ocean Boulevard near the easterly end of the street, scenic overlook, and pedestrian walkway to Little Corona Beach. In this area, private lots on the westerly side of Ocean Boulevard are separated from the street and sidewalk by a public right-of-way area (approximately 43 feet wide or greater). The area at the front property line of each lot generally slopes slightly downward from the northerly side to the southerly side, similar to the adjacent public right-of-way area. The lots are coastal bluff lots and slope steeply downward from the front property line to the ocean's edge. The lots are similarly developed with multi-level, single-unit dwellings constructed into the bluff.

The General Plan (GP) and the Local Coastal Plan (LCP) state that coastal bluffs are "*significant natural landforms considered to be important scenic and visual resources within the coastal zone area of the City*". Development along the coastal bluff side of Ocean Boulevard is one of the few areas in the coastal zone where there is extensive development of the bluff face. The initial subdivision and development in this area occurred prior to adoption of policies and regulations intended to protect coastal bluffs and other landforms. Development in this area is allowed to continue on the bluff face provided it complies with various policies stated in the GP and LCP, which are implemented by the Bluff Overlay District in the recently adopted Zoning Code.

The subject site is 6,986.25 square feet in area (125 feet x 55.89 feet) and is developed with a single-unit dwelling below a one-story, two-car garage with a flat roof. An exterior staircase leads from the garage to the entry of the residence below. The garage, located on the northerly side of the lot in line with the dwelling below, was permitted to encroach 9 feet 6 inches into the required 10-foot front setback with approval of Variance No. 599 (1960). The roof of the garage is 8 feet high above the lowest natural grade elevation and 4 feet 6 inches high above the top of curb at Ocean Boulevard (at its southerly corner). An existing wall, permitted in 1961, is attached to the garage and extends from the front corners of the garage to each side property line. It is constructed and painted to match the finish material of the garage and appears to be part of the garage or dwelling when viewed from Ocean Boulevard. The wall is 11 feet high above natural grade and 7 feet 8 ¾ inches high above the top of curb at Ocean Boulevard at the southerly side property line. Overgrown hedges and landscape plantings are located within the public right-of-way along the driveway and adjacent to the wooden fence along the front property line.

The lot area between the rear of the dwelling and the existing bluff edge has been altered and developed with terraced retaining walls to provide usable rear yard area. The area along the easterly side yard slopes slightly toward the edge of the existing bluff edge. A chain-link fence atop a site retaining wall is located along the southerly side property line and extends across the entire width of the property, stepping down to the lowest elevation (northwesterly corner area) of the lot. This retaining wall is the

furthest point of development on the bluff face. The northerly side of the lot slopes steeply downward toward the bluff edge and is terraced with retaining walls.

Project Description

The proposed project consists of demolition of the existing dwelling, two-car garage, attached wall, and the construction of a 7,304 square foot, multi-level, single-unit dwelling with an attached two-car garage, deck areas, and a basement level patio area. Portions of the upper level consisting of the garage, entry area, and a mechanical equipment area to the rear of the garage exceed the top of curb height at Ocean Boulevard. The roof areas of all levels of the proposed home are flat and portions of the upper level exceed the 24-foot height limit for flat roofs in the R-1 Zoning District. All four levels encroach into the 10-foot front setback. The above ground encroachments are 8 feet at the garage (on the southerly side), 8 feet 9 inches at the elevator (center) and 6 feet 7 inches on the northerly side. The below ground caissons would encroach 1 foot 5 inches into the southerly side setback, and 3 feet 3 inches into the northerly side setback.

At the street-side of the lot, the existing driveway will be relocated to the southerly (lower) side of the property and graded to provide a maximum slope of 19 percent from the street to the garage face. The remainder of the public right-of-way area will be terraced and landscaped. The proposed landscaping and improvements within the public right-of-way are not subject to zoning regulations and are not part of the project request. However, the improvements require an encroachment permit that is subject to the review and approval of the Public Works Department.

At the seaward side of the property, three full levels of the project will be visible. The entire third level will be stepped back toward the street. The entry, garage, and mechanical area (slightly higher elevation) will be stepped further back. A "day-lighted" basement level and patio area will be visible on the northerly side of the lot.

The existing retaining wall located at the furthest seaward extent of existing development on the bluff face will be reconstructed and reinforced with new caissons. New site retaining walls and related safety railings (where required) will be constructed adjacent to the side property lines beginning at the front (top) of the lot and ending at the face of the reconstructed retaining wall. These walls and related safety railings will be 10 feet 6 inches, at the highest point above existing natural grade. The grade on the landward side of the existing retaining wall will be lowered to provide a basement level patio area. The area on the seaward side of the existing retaining wall that consists of the natural bluff face will remain unaltered.

DISCUSSION

Analysis

The applicant's request was received and deemed complete prior to the effective date of the City's current Zoning Code (November 25, 2011). As a result, the request has been analyzed according to the development standards of the previous Zoning Code. This is authorized by Ordinance No. 2010-21 which adopted the comprehensive Zoning Code update. As noted in "Project Development Characteristics" (Attachment No. PC-2), the proposed project complies with the development standards listed with the exception of requested deviations to required height limits and encroachments into the front and side setbacks.

General Plan, Local Coastal Plan, and Zoning Code Designations

The proposed project will not change the density on the site and is consistent with the designation "Single Unit Residential Detached" (RS-D) of the Land Use Element of the General Plan (GP) and "Single Unit Residential Detached" (RSD-A) of Coastal Land Use Plan (CLUP) of the Newport Beach Local Coastal Program (LCP).

Bluff Overlay District – Updated Zoning Code

Although the Bluff Overlay District does not technically apply given that the application was deemed complete prior to the effective date of the adoption of the updated Zoning Code, the project is subject to coastal bluff protection policies of the GP and LCP. Development is thus limited to be within the "predominant line of existing development" (PLOED). Compliance with the Bluff Overlay of the current code will ensure consistency with the applicable policies. Pursuant to Section 20.28.040 (Bluff Overlay District), properties located between 3601 and 3729 Ocean Boulevard are permitted to construct both principle and accessory structures *"between the property line adjacent to Ocean Boulevard and the seaward extent of the existing development area. New development shall not extend further onto the bluff face beyond existing development."* The proposed project complies with the provisions of the Bluff Overlay District as no alteration of the bluff is proposed beyond (seaward) of the existing retaining wall structure. Conditions of approval have also been incorporated into the resolution to assure that the project complies with GP and LCP policies related to bluff stabilization, minimization of bluff recession, and prevention of bluff erosion (see Attachment No. PC-1, Conditions of Approval Nos. 1, 4, 5, 6, 26, and 32).

Modification Permit

Pursuant to Section 20.93.030 (Modification Permit, Required Findings), the Planning Commission may approve a modification permit to allow the encroachments into the front and side yards requested upon finding that:

1. *The granting of the application is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical*

hardships that are inconsistent with the purpose and intent of the Zoning Code.

2. *The requested modification will be compatible with existing development in the neighborhood.*
3. *The granting of such an application will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood.*

Although the site is large in area, in order to comply with the General Plan and Local Coastal Plan policies, the buildable depth of the lot is limited to the "predominant line of existing development" on the adjacent properties. Similar to the neighboring lots, the topography of the lot further constrains the buildable area because there is a vertical drop of approximately 20 feet from the front property line to the rear of the existing dwelling.

When viewed from Ocean Boulevard, the wide (approximately 43 feet, measured from back of sidewalk) public right-of-way area provides a deep front yard, which reduces the visual impact of the encroachment of the project into the 10-foot front setback. The maximum above ground encroachment of the proposed project will be two feet from the front property line at the face of the garage and one-foot-three-inches at the elevator (other levels are subterranean and are not visible). The existing dwelling and two-car garage encroach into the front setback nearly to the front property line. Developments on adjacent properties have been approved to encroach up to the front property line and have not proven to be detrimental to the area.

The below ground caissons and permanent shoring walls within the front and side setbacks are necessary to provide stability for construction of the project. They are subterranean encroachments that will not obstruct views from the adjacent properties or from Ocean Boulevard. The encroachment of the structures in the front and side yards are similar to those granted to neighboring properties located on the bluff face along Ocean Boulevard.

The previous Zoning Code measures height of retaining walls from the lowest side of existing natural grade. Portions of the proposed above-ground retaining walls and related safety railings adjacent to the side property lines are over height due to the lower natural grade areas existing on the site. The proposed retaining walls provide stability for the site along the side property lines and provide protection and privacy for residents of the subject property and neighboring properties. They are necessary to support a Building Code and Fire Department requirement for an access and egress stairway from the lower area of the lot to the front of the property and Ocean Boulevard.

Variance

Pursuant to the previous Zoning Code (Section 20.91.035: Variance, Required Findings), the Planning Commission may approve the requested variances to allow the

project to exceed the top of curb height adjacent to Ocean Boulevard and the 24-foot height limitation for a flat roof within the R-1 Zoning District upon finding:

1. *That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*
2. *That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.*
3. *That the granting of the application is consistent with the purposes of this code and will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.*
4. *That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

The design and location of the project is constrained by the topography of the site and its location on a coastal bluff. The lot is steeply sloped at the front area and also steps down the slope on the northerly side to its lowest elevation in the northwesterly corner near the existing bluff edge. The southerly side of the lot slopes more evenly and is higher than the northerly side at the existing bluff face. The uneven grade across the lot restricts the ability to adhere to the natural grade height limitation specified in the Zoning Code. In order to comply with provisions related to coastal bluff protection (GP and LCP policies), the location of the project is further limited to the buildable area between the front setback and the "predominant line of existing development".

Ocean Boulevard is identified as a "*public view corridor*" within the GP (Chapter 10: 20.3, Natural Resources Element) and LCP (Policy 4.4.1-6, Scenic and Visual Resources Section). It is designated as a "*Coastal View Road*" per "Figure NR3 – Coastal Views" of the GP. The LCP (Policy 4.4.2-4) "*prohibits projections associated with new development to exceed the top of curb on the bluff side of Ocean Boulevard*". The Zoning Code (Chapter 20.65.060.B, Existing Structures and Permits) implements the policy by limiting the height of structures to the "*top of the curb height*" adjacent to each property along the bluff side of Ocean Boulevard.

Although the proposed residence exceeds height limits, the view to the ocean from Ocean Boulevard will be enhanced as compared to that provided by the existing development. The slightly higher areas of the third level of the project consist of an entry area, which includes an elevator, a two-car garage and mechanical area above portions of the living area immediately behind the garage. The ceiling height of the garage, entry, elevator, and mechanical area is designed to the minimum height possible to allow their use. The design does not include exterior chimneys above the flat roofs. The maximum

height of the upper level above the top of curb height of Ocean Boulevard will be lower than the garage and wooden fence currently existing on the lot, and lower than the height compared to neighboring properties. The area of the proposed roof at its maximum height above the top of curb (3 feet 10 ½ inches) is located at the end of the eave at the southerly side setback. When viewed from Ocean Boulevard, the height of the project as designed will be compatible with neighboring properties and will not be visually detrimental to the area.

The project also includes relocating the existing driveway approach to the southerly (lower) side of the property in order to lower the garage and entry level area as much as possible. The design of the driveway approach at 19 percent slope has been approved by the City Traffic Engineer and is the maximum slope and grade change allowed across the public right-of-way. The length of the driveway approach cannot be increased to allow a lower garage entrance without moving the project further onto the bluff face. The existing dwellings on the bluff between Poinsettia Avenue and Poppy Avenue have been built on or within approximately two feet from the front property line due to similar topographic constraints. Moving the proposed project further away from the street to lower the garage would differ from existing development along this bluff.

The request to exceed the 24-foot height limit will not impact public views. Per requirements of the previous Zoning Code, height is measured from existing natural grade. The existing natural grade to the rear of the property is not a flat plane. The northerly side of the property is steeper than the southerly side and is terraced steeply downward toward the existing bluff edge. The lower patio area at the northwesterly corner is the lowest elevation within the existing developed area. The ridge of a sloping roof would be allowed to 29 feet above existing natural grade. The highest elevation of the proposed project is 32.95 feet above existing natural grade (which is directly above the lowest elevation on the site). The areas exceeding the 24-foot height limit for flat roofs will be located to the rear of the project and will not be visible from Ocean Boulevard and will be below the top of curb height. Additionally, the areas will not appear higher than the adjacent floor area when viewed from the neighboring properties.

Summary

It is staff's determination that the findings for approval for the modification permit and variance requests for the project can be made based on the information above. Facts in support of the required findings are presented in the draft resolution (see Attachment No. PC-1).

Alternatives

1. If the Planning Commission determines that the findings for approval of the modification permit or variance requests cannot be made, the Planning Commission should direct staff to prepare findings and a resolution, denying the request and to return at the next Planning Commission meeting date with such resolution for adoption.

2. The Planning Commission may suggest specific design modifications that are necessary to make the required finding for approval. If this is done, the item should be continued if the changes are reasonable and easily incorporated into the design. If substantial changes are directed, the item should be removed from calendar to allow redesign of the project.

Environmental Review

The proposed project has been reviewed and it has been determined that it is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines – Class 3 (New Construction or Conversion of Small Structures). This exemption includes construction of a single-family residence in a residential area. The proposed project is a single-family residence to be constructed in the R-1 (Single-Unit Residential) Zoning District.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing, consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City's website.

Prepared by:


Kay Sims, Assistant Planner

Submitted by:


Gregg Ramirez, Senior Planner

ATTACHMENTS

PC 1	Draft Resolution with Findings and Conditions
PC 2	Table 1: Project Development Characteristics
PC 3	Photos
PC 4	Plans

Attachment No. PC 1

Draft Resolution with Findings and
Conditions

RESOLUTION NO. ####

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWPORT BEACH APPROVING VARIANCE PERMIT
NO. VA2010-001 AND MODIFICATION PERMIT NO. MD2010-006
FOR THE FISHER RESIDENCE LOCATED AT 3725 OCEAN
BOULEVARD (PA2010-034)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Mr. John McInnes, Architect, with respect to property located at 3725 Ocean Boulevard, and legally described as CORONA DEL MAR LOT BLK A POR OF BLK requesting approval of a variance and a modification permit.
2. The applicant requests approval of a variance to allow a proposed single-family dwelling to exceed the 24-foot height limit for flat roofs within the R-1 (Single-Unit Residential) Zoning District. Additionally, the proposed single-family dwelling would exceed the "top of curb" height limit for properties on the bluff side of Ocean Boulevard. The applicant also requests a modification permit to allow the proposed single-family dwelling to encroach into the required 10-foot front and 4-foot side setbacks (caissons); and site-retaining walls (and caissons) with related railings adjacent to the side property lines which exceed the 6-foot height limit allowed within side setback areas.
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-A).
5. A public hearing was held on May 19, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Section 15303 Class 3 (New Construction or Conversion of Small Structures) which includes construction of a single-family residence and related accessory structures in a residential zone. This exemption includes construction of a single-family residence in a residential area. The proposed project is a single-family residence to be constructed in the R-1 (Single-Unit Residential) Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.93.030 (Modification Permit, Findings) of the Newport Beach Municipal Code (1997 Zoning Code), the following findings and facts in support of such findings are set forth:

Finding:

- A. *The granting of the application is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

- A-1. The subject lot is a coastal bluff lot located on the westerly side of Ocean Boulevard. Although the lot is large in total area, the buildable area is limited to the "predominant line of development" (PLOED) of the adjacent properties in order to comply with the General Plan (GP) and Local Coastal Plan (LCP) policies. The lot is further constrained by the topography within the buildable area, which slopes steeply from the front of the lot to the existing bluff edge, and steps steeply down on the northerly side to a much lower elevation than the southerly side. Additionally, within the front portion of the lot, there is a vertical drop of approximately 20 feet from the front property line to area below. These constraints make it impractical to adhere to the front setback specified in the Zoning Code and still design a driveway, garage, and entry into the dwelling while complying with predominant line of existing development policies.

Finding:

- B. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

- B-1. The above and below ground encroachments into the front setback are similar to those granted to neighboring properties located on the bluff face; and are less than those of the existing dwelling and garage.
- B-2. The below ground caissons and permanent shoring walls within the front and side setbacks are similar to those approved for neighboring properties. They are below ground and will not be visible from adjacent properties or Ocean Boulevard.
- B-3. When viewed from Ocean Boulevard, the wide public right-of-way area provides a deep front yard, which reduces the impact of the encroachment of the project into the 10-foot front setback. The existing dwelling and two-car garage encroach into the front setback nearly to the front property line. The maximum encroachment of the proposed project will be two feet from the front property line (face of the garage). Developments

on neighboring properties have been similarly approved to encroach to the front property line and have not proven to be detrimental to the area.

Finding:

C. The granting of such an application will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood.

Facts in Support of Finding:

- C-1. The maximum encroachment of the proposed project will be two feet from the front property line at the face of the garage and one-foot-three-inches from the entry area. The existing dwelling and two-car garage encroach into the front setback nearly to the front property line. Developments on adjacent properties have been approved to encroach up to the front property line and have not proven to be detrimental to the area.
- C-2. The below ground caissons and permanent shoring walls within the front and side setbacks are necessary to provide stability for construction of the principle and accessory structures on the site. They are subterranean encroachments that will not adversely obstruct views from the adjacent properties or from Ocean Boulevard.
- C-3. Portions of the above-ground retaining walls and related safety railings adjacent to the side property lines are over height because the Zoning Code in effect prior to November 24, 2010, (previous code) measures height of retaining walls from the lowest side of existing natural grade. The proposed retaining walls provide stability for the site along the side property lines and provide protection and privacy for residents of the subject property and neighboring properties. They are necessary to support a Building Code and Fire Department requirement for an access and egress stairway from the lower area of the lot to Ocean Boulevard

In accordance with Section 20.91.035 (Variance, Required Findings) of the Newport Beach Municipal Code in effect prior to November 25, 2011, the following findings and facts in support of such findings are set forth:

Finding:

D. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification

Facts in Support of Finding:

- D-1. The design and location of the project is further constrained by the topography of the site. The lot is steeply sloped at the front area and also steps down the slope on the northerly side to its lowest elevation in the northwesterly corner near the existing bluff edge. The southerly side of the lot is more gently sloping and is much higher toward the bluff edge. The uneven natural grade across the lot to the rear of the front setback area restricts the ability to design a project that complies with the 24-foot natural grade height limitation specified in the Zoning Code at every elevation point of the structure.
- D-2. In order to comply with provisions of the General Plan and Local Coastal Plan, the location and design of the project is restricted to the buildable area between the rear of the front setback and the "predominant line of existing development".
- D-3. The Zoning Code limits the height of the project to the "top of curb height" adjacent to Ocean Boulevard. There is a vertical drop of approximately 20 feet at the front area of the property. In order to comply with the top of curb height limitation, the driveway approach would have to be lengthened and lowered. This would require locating the project further down the bluff face, resulting in a reduction of floor area, and additional grading within the public right-of-way.

Finding:

- E. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

- E-1. The subject lot consists of a steeply sloping coastal bluff. The location of the project is limited to within the buildable area between the rear of the front setback and the "predominant line of development". Denial of the requested variances would reduce the size of the project below comparable projects in the area and necessitate an unsafe/steeper driveway to a garage or elimination of the garage altogether, which would not be consistent with the Zoning Code and neighborhood development as each home along the Ocean Boulevard bluff has a two-car garage.
- E-2. The design and location of the project as proposed achieves allowable development of the site within the constraints of the topography and limits of development on the bluff face. Granting of the variance requests will preserve the applicant's right to a comparable size dwelling with others in the neighborhood and the enjoyment of the property while preserving the remainder of the bluff face.

Finding:

- F. That the granting of the application is consistent with the purposes of this code and will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.*

Facts in Support of Finding:

- F-1. The Zoning Code permits the approval of variances to resolve practical physical hardships resulting from the unique topography and location constraints that exist in the area and on this lot.
- F-2. Granting the variance to height is necessary to permit a residence that is comparable to neighboring lots along the Ocean Boulevard bluff and, therefore, would not constitute the granting of special privileges.

Finding:

- G. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood*

Facts in Support of Finding:

- G-1. The multi-level design of the project steps back at the upper levels, and is consistent with the design of development on neighboring properties on the bluff face. The granting of the variance requests will not adversely impact the visual view of the bluff face as viewed from the ocean or neighboring properties.
- G-2. When viewed from Ocean Boulevard, the height of the project as designed will be compatible with neighboring properties and will not significantly affect views from Ocean Boulevard. It will enhance the view to the ocean across the property compared to the existing dwelling and fence on the site and is lower than similar properties adjacent to the north.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Variance Permit No. VA2010-001 and Modification Permit No. MD2010-006 subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance

with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 19TH DAY OF MAY, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Earl McDaniel, Chairman

BY: _____
Michael Toerge, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval. It shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.) No development shall occur on the bluff face beyond the "predominant line of existing development", which is consistent with the "furthest seaward extent of existing development on adjacent properties" of the Bluff Overlay in this area along Ocean Boulevard. The natural bluff face shall be restored to its natural state if inadvertent alteration should occur during construction of the project.
2. Variance No. VA2010-001 and Modification Permit No. MD2010-006 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
4. The new development shall be setback from the bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (75 years). Such setbacks must take into consideration expected long-term bluff retreat over the next 75 years.
5. Prior to the issuance of a building or grading permit, a waiver of future shoreline protection during the economic life of the structure (75 years) shall be executed and recorded against the property. The waiver shall be binding upon all future owners and assignees. The waiver shall be reviewed and approved by the City Attorney prior to recordation.
6. Accessory structures shall be relocated or removed if threatened by coastal erosion. Accessory structures shall not be expanded and routine maintenance of accessory structures is permitted.
7. Prior to issuance of building permits, approval from the California Coastal Commission shall be required.
8. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

Landscaping

9. Prior to the issuance of building permits, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. The plans shall comply with the City's Water Efficient Landscape Ordinance (Chapter 14.17) and Water Conservation Ordinance (Chapter 14.16) of the Municipal Code. These plans shall incorporate native, drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division, Public Works, and General Services Departments. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor.
10. All new landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
11. Prior to the final of building permits, the applicant shall schedule an inspection by the Code and Water Quality Enforcement Division to confirm that all landscaping on the property and within the public right-of-way was installed in accordance with the approved plan.
12. Reclaimed water shall be used whenever available, assuming it is economically feasible.
13. Water leaving the project site due to over-irrigation of landscape shall be minimized. If an incident such as this is reported, a representative from the Code and Water Quality Enforcement Division, shall visit the location, investigate, inform and notice the responsible party, and, as appropriate, cite the responsible party and/or shut off the irrigation water.
14. Watering shall be done during the early morning or evening hours (between 4:00 p.m. and 9:00 a.m.) to minimize evaporation the following morning.
15. All leaks shall be investigated by a representative from the Code and Water Quality Enforcement Division and the Applicant shall complete all required repairs.

Lighting

16. Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites.

Public Works

17. The existing driveway approach shall be plugged per City Standard STD-165-L.
18. The proposed driveway approach shall comply with City Standard STD-160-L-C. Per discussion with the City Traffic Engineer, the maximum allowable slope is 19 percent across the entire driveway and the maximum allowable grade change is 11 percent.
19. A new sewer lateral and cleanout shall be installed per STD-406-L and shown on final plans. The old sewer shall be capped at the property line.
20. Street, drainage and utility improvements within the public right-of-way shall be submitted on City standard improvement plan formats. All of the plan sheets shall be wet sealed, dated, and signed by the California registered professionals responsible for the designs shown on said plans.
21. All encroachments within the Ocean Boulevard public right-of-way shall comply with City Council Policy L-6.
22. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
23. No structural encroachment, including but not limited to columns, caissons, or tie backs are permitted within the public right-of-way unless otherwise approved by the Public Works Department.
24. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
25. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
26. All on-site drainage shall comply with the latest City Water Quality requirements and shall be directed to Ocean Boulevard to minimize coastal bluff recession.
27. Prior to the issuance of the building permit, Public Works Department plan check and inspection fee shall be paid.
28. Prior to issuance of a grading or building permit, the applicant shall prepare a construction phasing plan and construction delivery plan that includes routing of large

vehicles. The plan shall include a haul route plan for review and approval by the Public Works Department. Said plan shall specify the routes to be traveled, times of travel, total number of trucks, number of trucks per hour, time of operation, and safety/congestion precautions (e.g., signage, flagmen). Large construction vehicles shall not be permitted to travel narrow streets and alleys as determined by the Public Works Department. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements. The plans shall include a provision that maintains the public right-of-way open to vehicular and pedestrian traffic after working hours daily.

29. A haul route permit shall be required for any large construction related vehicle (i.e. dirt hauling vehicle).

Building Division

30. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The project shall be designed to meet fire protection requirements and shall be subject to review and approval by the Newport Beach Building Division and Fire Department.
31. Prior to issuance of the grading permit, the project applicant shall document to the City of Newport Beach Building Division that the project is designed and will be constructed to comply with current seismic safety standards and the current City-adopted version of the Uniform Building Code.
32. Prior to issuance of the grading permit, a geotechnical report provided by a licensed Certified Engineering Geologist or Geotechnical Engineer shall be submitted with construction drawings for plan check. The report shall include slope stability analyses and erosion rate estimates. The Building Division shall ensure that the project complies with the geotechnical recommendations included in the geologic investigation as well as additional requirements, if any, imposed by the Newport Beach Building Division. To assure stability, the development must maintain a minimum factor of safety of 1.5 against land-sliding for the economic life of the structure (75 years).

Construction

33. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
34. Where vehicles leave the construction site and enter adjacent public streets, any visible track-out extending for more than fifty (50) feet from the access point shall be swept within thirty (30) minutes of deposition.

35. The construction and equipment staging area shall be located in the least visually prominent area on the site and shall be properly maintained and/or screened to minimize potential unsightly conditions.
36. A six-foot-high screen and security fence shall be placed around the construction site during construction.
37. Construction equipment and materials shall be properly stored on the site when not in use.
38. The applicant shall comply with SCAQMD Rule 403 requirements as follows:

Land Clearing/Earth-Moving

- a. Exposed pits (i.e., gravel, soil, dirt) with 5 percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufacturers' specifications.
- b. All other active sites shall be watered twice daily.
- c. All grading activities shall cease during second stage smog alerts and periods of high winds (i.e., greater than 25 mph) if soil is being transported to off-site locations and cannot be controlled by watering.
- d. All trucks hauling dirt, sand, soil, or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer).
- e. Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
- f. All vehicles on the construction site shall travel at speeds less than 15 mph.
- g. All diesel-powered vehicles and equipment shall be properly operated and maintained.
- h. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than 5 minutes.
- j. The construction contractor shall utilize electric or natural gas-powered equipment instead of gasoline or diesel-powered engines, where feasible.

Paved Roads

- k. Streets shall be swept hourly if visible soil material has been carried onto adjacent public paved roads. (See condition No. 34 above).

- m. Construction equipment shall be visually inspected prior to leaving the site and loose dirt shall be washed off with wheel washers as necessary.

39. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 5 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage car pooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10 percent soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

Miscellaneous

40. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Fisher Residence including, but not limited to, the

VA2010-001 and MD2010-006 (PA2010-034). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. PC 2

Table 1: Project Development
Characteristics

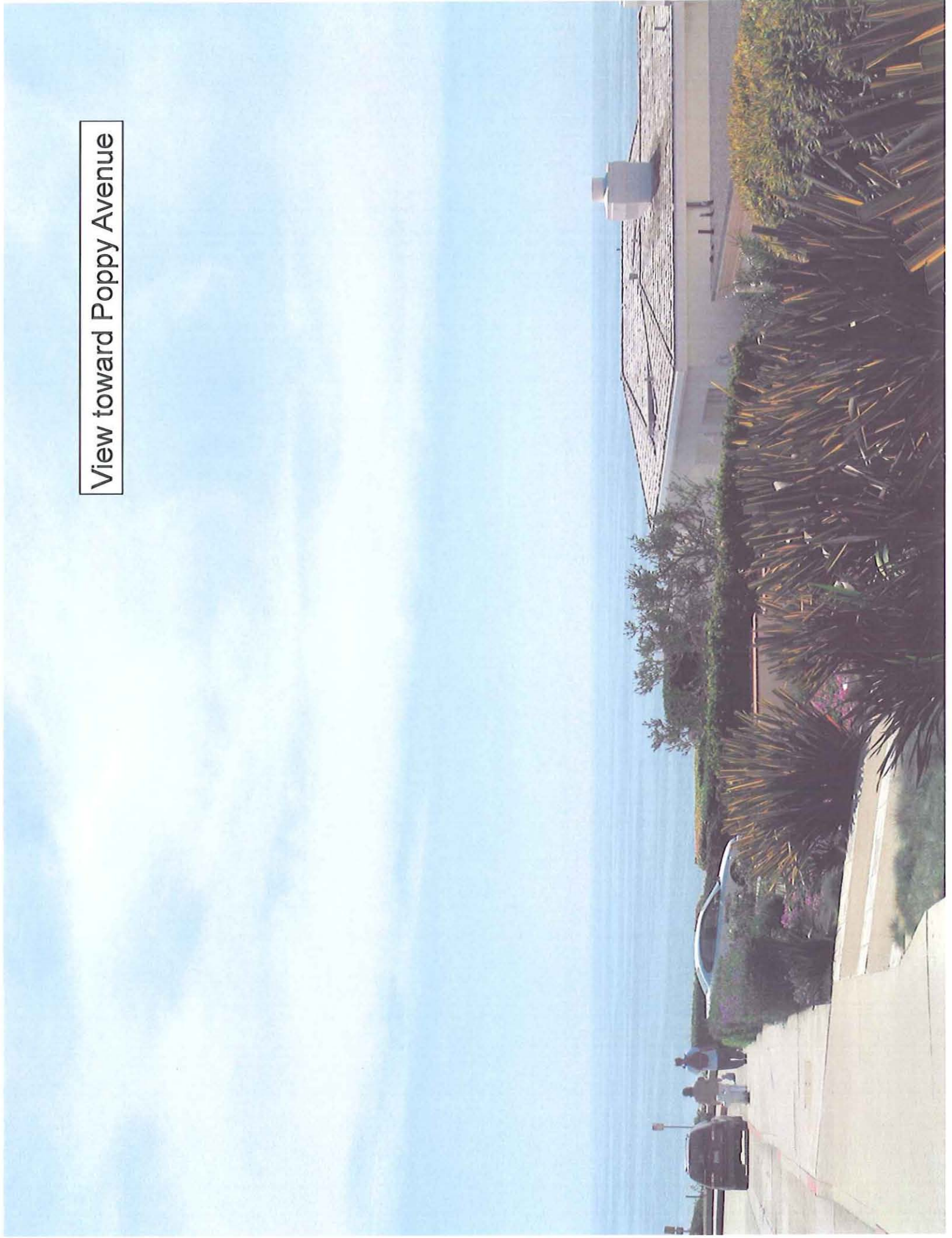
Table 1: Project Development Characteristics

PROJECT ELEMENTS	REQUIRED OR PERMITTED	PROPOSED										
Gross land area	6,986.25 sq. ft.	No Change										
Buildable area (lot minus setback areas)	5,028.25 sq. ft. (125'-20' x 55.89'-8')	No Change										
Buildable depth of lot (from rear of 10 ft. front setback "to the seaward extent of existing development on the bluff")	Northerly side property line: principle & accessory structures – 46 ft. 9 in. Southerly side property line: principle & accessory structures – 46 ft. 9 in.	As Required										
Maximum gross floor area (1.5 x buildable area)	7,542.68 sq. ft.	7,303.61 sq. ft. Basement 1,994.79 sq. ft. 1 st Level 1,865.85 sq. ft. 2 nd Level 1,801.43 sq. ft. 3 rd Level 1,271.04 sq. ft. Total 7,303.61 sq. ft.										
Building Height Limits:												
	<ul style="list-style-type: none">• 24 ft. flat roof/29 ft pitched roof above natural grade (NG), 24 ft. to top of rail on a deck above natural grade (NG)-6 ft. within side yard setbacks for walls• Top of curb (TOC) elevation for all structures	<ul style="list-style-type: none">• All roofs are flat.• Portions of living area and garage at rear of 4th level are Max. 8 ft.11 in. above 24 ft. limit. (32.95 ft. above NG)• Site retaining walls in side yards exceed 6 ft in height.• Portions of entry area, two-car garage, and living area at rear of garage over TOC elevation. Max. Ht. over curb from 1 ft. 9¼ in. at northerly front corner of entry to 3 ft. 10½ in. at southerly front corner of garage.										
Setbacks:												
Front (Ocean Blvd. side):	10 ft. <ul style="list-style-type: none">• Front walls of garage• Front walls of elevator area• Permanent shoring walls• Caissons	<table><tr><th>From PL</th><th>Max. Encroachment</th></tr><tr><td>2 ft</td><td>8 ft.</td></tr><tr><td>1 ft. 3 in.</td><td>8 ft. 9 in.</td></tr><tr><td>2 ft.</td><td>8 ft.</td></tr><tr><td>1 in.</td><td>9 ft. 11 in.</td></tr></table>	From PL	Max. Encroachment	2 ft	8 ft.	1 ft. 3 in.	8 ft. 9 in.	2 ft.	8 ft.	1 in.	9 ft. 11 in.
From PL	Max. Encroachment											
2 ft	8 ft.											
1 ft. 3 in.	8 ft. 9 in.											
2 ft.	8 ft.											
1 in.	9 ft. 11 in.											
Sides:	4 ft. <ul style="list-style-type: none">• Retaining wall caissons -southerly side yard -northerly side yard• Caissons/dwelling -southerly side yard -northerly side yard• Walls exceeding 6 ft. height limit in setback	<table><tr><td>1 in.</td><td>3 ft. 11 in.</td></tr><tr><td>8 in.</td><td>3 ft. 4 in.</td></tr><tr><td>2 ft. 7 in.</td><td>1 ft. 5 in.</td></tr><tr><td>9 in.</td><td>3 ft. 3 in.</td></tr></table> Adjacent to side property lines.	1 in.	3 ft. 11 in.	8 in.	3 ft. 4 in.	2 ft. 7 in.	1 ft. 5 in.	9 in.	3 ft. 3 in.		
1 in.	3 ft. 11 in.											
8 in.	3 ft. 4 in.											
2 ft. 7 in.	1 ft. 5 in.											
9 in.	3 ft. 3 in.											
Rear (Ocean side):	10 ft.	10 ft. (no encroachments)										
Parking	2 spaces (including one covered)	2-car garage										

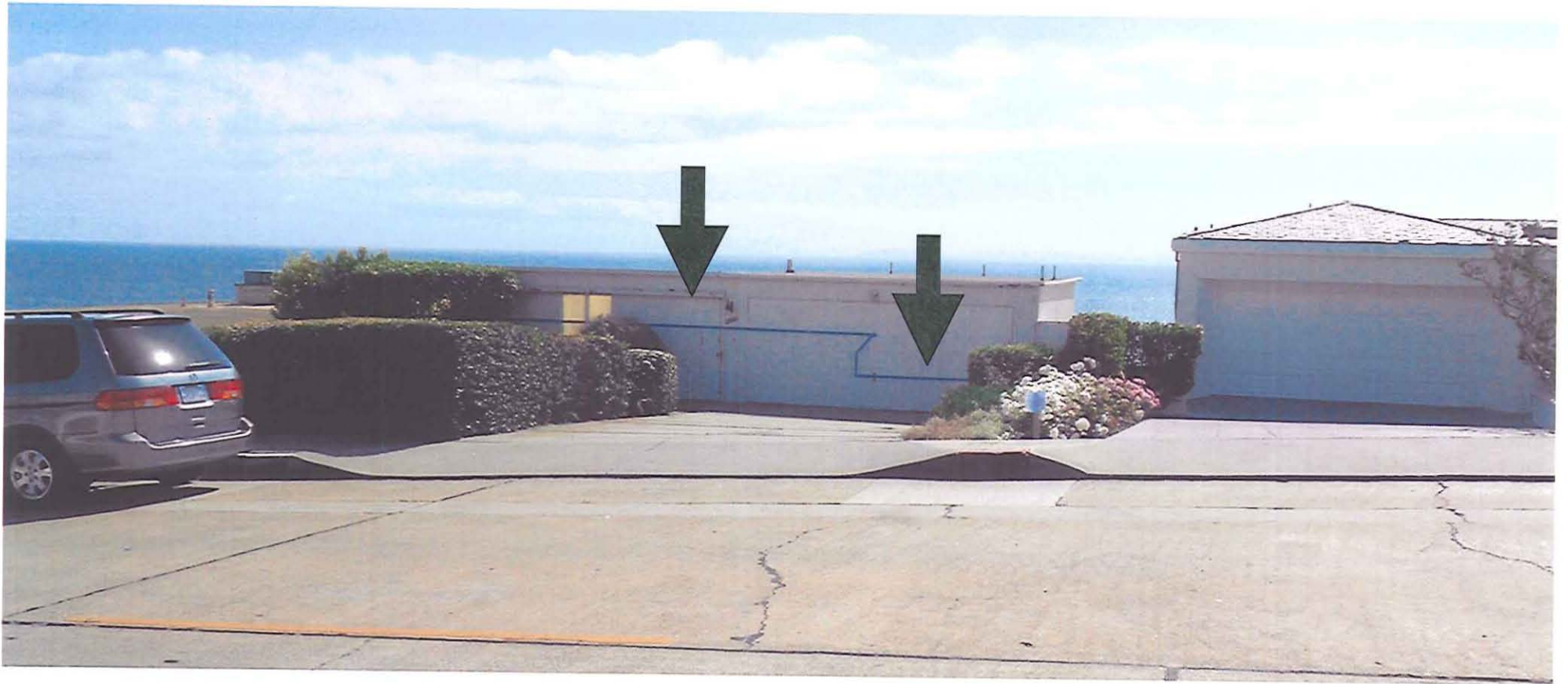
Attachment No. PC 3

Photos

View toward Poppy Avenue

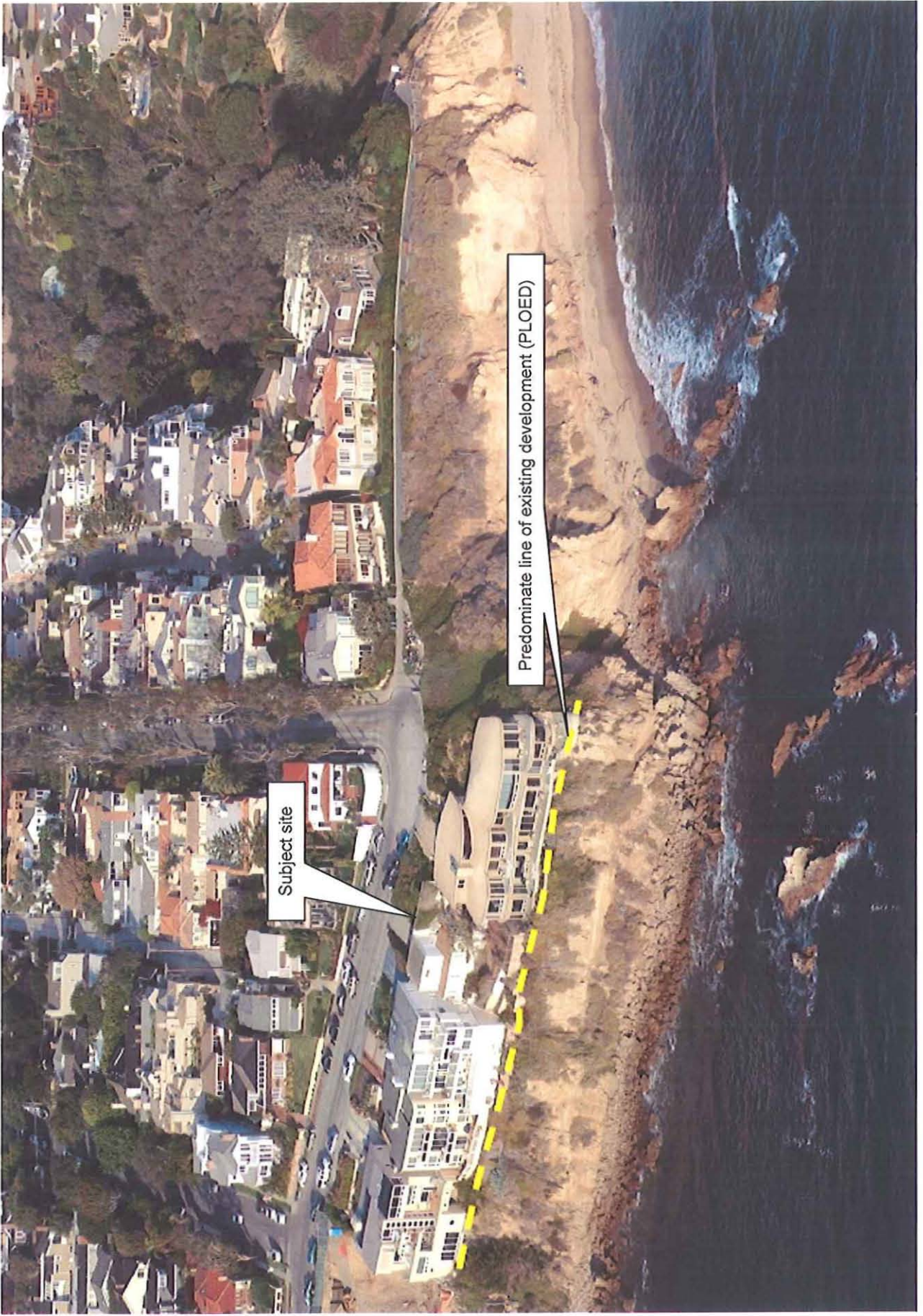


**Blue Line depicts height of proposed residence
(As viewed from sidewalk across Ocean Boulevard)**



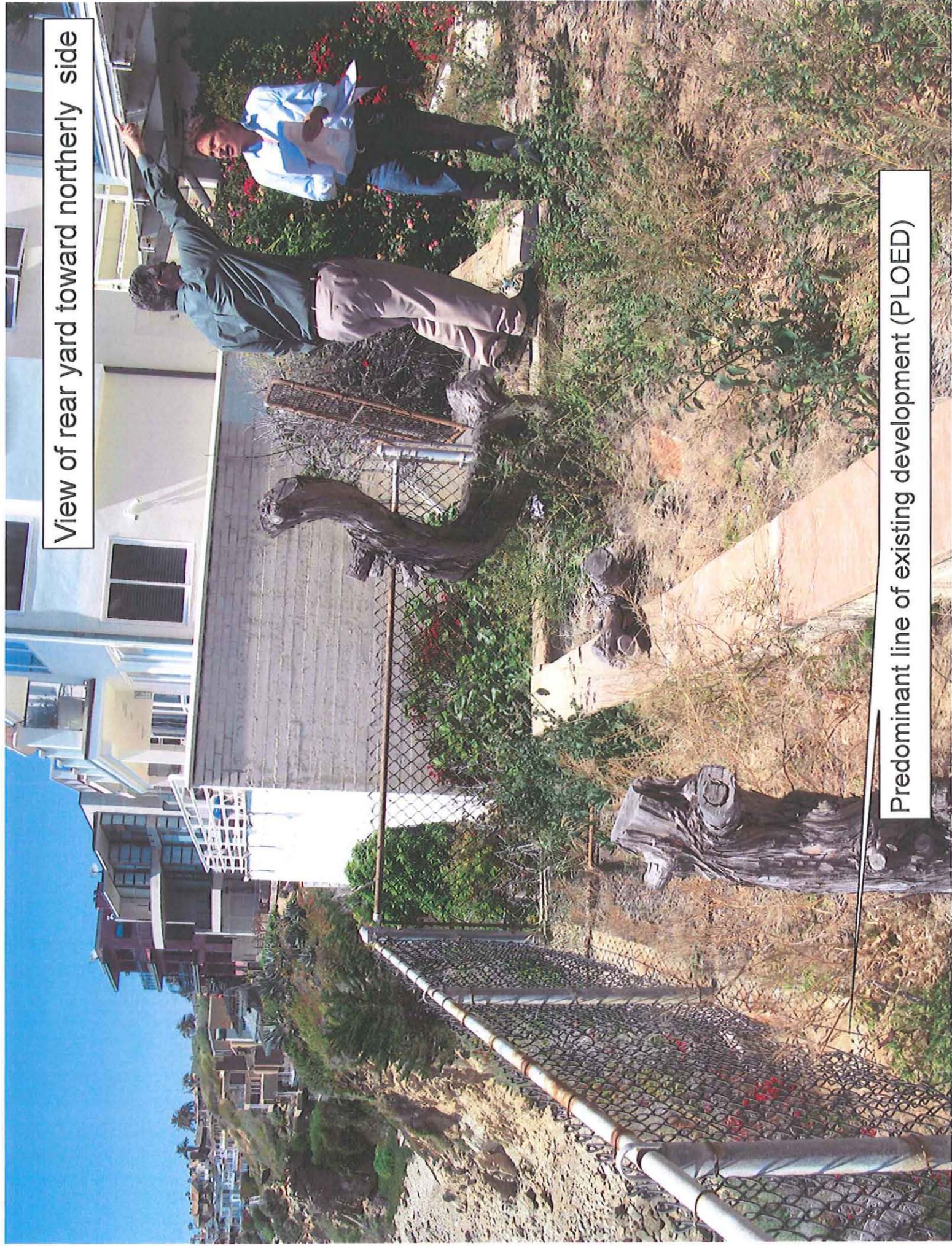
View from driveway





Subject site

Predominate line of existing development (PLOED)



View of rear yard toward northerly side

Predominant line of existing development (PLOED)

Attachment No. PC 4

Plans

BUILDING VOLUMES

266.45 G.F. = VOLUME OVER CURB
769.80 G.F. = VOLUME OVER 24" LINE ABOVE NATURAL GRADE
12,966.71 G.F. = VOLUME OF LIVING AND GARAGE SPACE WITHIN THE 10' FRONT YARD SETBACK

PROJECT INFORMATION

CONTACT INFO: JOHN MCINNES
159 S. COAST HWY.
LAGUNA BEACH, CA 92651

LEGAL DESCRIPTION: AP 1052-150-15 (SEE SHEET T-1)
ZONING: R-1 OCCUPANCY: R-3 RESIDENCE
USE: EXISTING-SINGLE FAMILY RESIDENCE
(TO BE DEMOLISHED)

PROPOSED-SINGLE FAMILY RESIDENCE

SITE AREA: 6,436.25 S.F.
BUILDABLE SITE AREA:
(105.0' X 107' (FRONT) X 107' (REAR) X
(55.0' X 4' (NORTH SIDE) X 4' (SOUTH SIDE) X 5,026.45 S.F.
* SETBACKS FOR AREA CALCULATION ONLY. ACTUAL BUILDING SIZE
PER PLANS
MAXIMUM ALLOWABLE SQUARE FOOTAGE:
5,026.45 X 1.5 = 7,542.68 S.F.

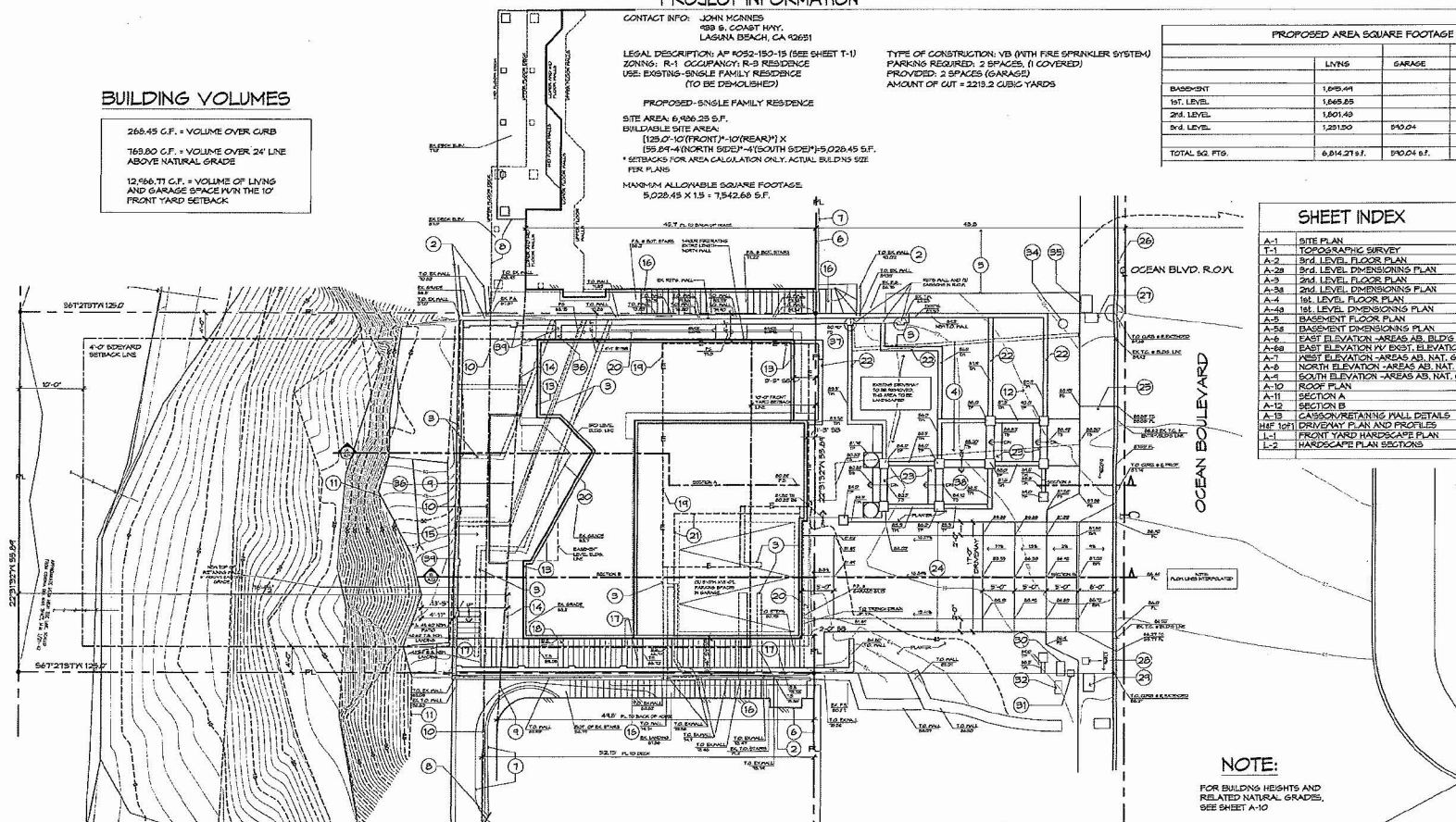
TYPE OF CONSTRUCTION: VB (WITH FIRE SPRINKLER SYSTEM)
PARKING REQUIRED: 2 SPACES, (1 COVERED)
PROVIDED: 2 SPACES (GARAGE)
AMOUNT OF CUT: 2215.2 CUBIC YARDS

PROPOSED AREA SQUARE FOOTAGE

	LYVNS	GARAGE	TERRACED DECKS
BASHERMENT	1,670.41		
1ST. LEVEL	1,645.85		261.00
2ND. LEVEL	1,601.40		274.00
3RD. LEVEL	1,251.50	540.04	
TOTAL SQ. FTG.	6,814.27 S.F.	540.04 S.F.	535.00 S.F.

SHEET INDEX

A-1	SITE PLAN
T-1	TOPOGRAPHIC SURVEY
A-2	1ST. LEVEL FLOOR PLAN
A-2B	2ND. LEVEL DIMENSIONING PLAN
A-3	2ND. LEVEL FLOOR PLAN
A-3B	2ND. LEVEL DIMENSIONING PLAN
A-4	1ST. LEVEL FLOOR PLAN
A-4B	1ST. LEVEL DIMENSIONING PLAN
A-5	BASHERMENT FLOOR PLAN
A-5B	BASHERMENT DIMENSIONING PLAN
A-6	EAST ELEVATION - AREAS AB, BLDG. HT.
A-6B	EAST ELEVATION - W/ EXIST. ELEVATION
A-7	WEST ELEVATION - AREAS AB, NAT. GRD.
A-8	NORTH ELEVATION - AREAS AB, NAT. GRD.
A-9	SOUTH ELEVATION - AREAS AB, NAT. GRD.
A-10	ROOF PLAN
A-11	SECTION A
A-12	SECTION B
A-13	CASBON/RETAINING WALL DETAILS
MEP 101	DRIVEWAY PLAN AND PROFILES
L-1	FRONT YARD HARDSCAPE PLAN
L-2	HARDSCAPE PLAN SECTIONS



SITE PLAN

SITE PLAN NOTES:

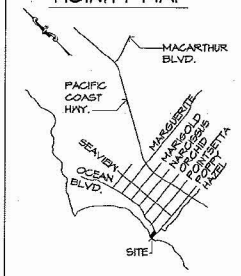
- APPROXIMATE MEAN HIGH WATER PER TIDE STATIONS.
- EXISTING WALL ON ADJACENT PROPERTY.
- EXISTING SITE WALL TO BE REMOVED.
- EXISTING DRIVEWAY ON THIS PROPERTY TO BE REMOVED FOR SEPARATE ENCROACHMENT PERMIT.
- EXISTING DRIVEWAY ON ADJACENT PROPERTY.
- EXISTING WALL LINE OF HOUSE ON ADJACENT PROPERTY.
- EXISTING EAVE LINE OF HOUSE ON ADJACENT PROPERTY.
- EXISTING DECK ON ADJACENT PROPERTY.
- STRING LINE FROM CORNER TO CORNER OF EXISTING HOUSES ON ADJACENT PROPERTIES.
- STRING LINE TANGENT TO DECKS OF EXISTING HOUSES ON ADJACENT PROPERTIES.
- LINE INDICATING LOCATION OF TOP OF BLUFF PER MP SURVEYORS SURVEY DATED 4/8/04 (TOP-B).
- EXISTING CONTOURS @ 2' INTERVALS PER MP SURVEYORS SURVEY DATED 4/8/04.
- 3RD. LEVEL EXTERIOR WALL LINE.
- 2ND. AND 1ST. LEVEL EXTERIOR WALL LINE.
- GLASS GUARDRAIL AT 2ND. AND 1ST. LEVEL TERRACE.
- EXISTING STAIRS ON ADJACENT PROPERTY.
- NEW STAIRS AND/OR STAIRS.
- NEW 8" THICK WALL 2' OFF PROPERTY LINE.
- LINE OF EXISTING HOUSE TO BE REMOVED.
- ROOF OVERHANG.
- WALL LINE AT GARAGE/ENTRY LEVEL.

- NEW SITE WALL (TO BE APPROVED UNDER SEPARATED ENCROACHMENT PERMIT).
- NEW STAIRS (TO BE APPROVED UNDER SEPARATED ENCROACHMENT PERMIT).
- NEW DRIVEWAY (TO BE APPROVED UNDER SEPARATED ENCROACHMENT PERMIT).
- EXISTING SIDEWALK.
- EXISTING CURB.
- EXISTING WATER METER.
- EXISTING SEWER CLEAN-OUT TO BE RELOCATED.
- EXISTING ATTIC FULL BOX.
- EXISTING EDISON FULL BOX.
- EXISTING UTILITY RISER.
- EXISTING GAS METER.
- EXISTING UTILITY FULL BOX.
- EXISTING ELECTRIC FULL BOX.
- EXISTING TELEPHONE FULL BOX.
- 42" HIGH GLASS GUARDRAIL.
- FINISH SURFACE SHALL SLOPE TO DRAINS.
- NEW ENTRY WALK AND STEPS.
- NEW RETAINING WALL.

NOTE:

FOR BUILDING HEIGHTS AND
RELATED NATURAL GRADES,
SEE SHEET A-10

VICINITY MAP



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CITY OF NEWPORT BEACH

JOHN
MCINNES
ARCHITECT

JMA ARCHITECT

633 SOUTH PACIFIC COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA 92651
949.494.0476 Fax 949.494.8026

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FISCHER RESIDENCE
3725 OCEAN BLVD.
CORONA DEL MAR, CA

SITE PLAN

REVISIONS: _____ DATE: _____
NO. _____
SUBMITTAL DATE: 5/4/11
SCALE: 1/8" = 1'-0"
DRAWN BY: _____
CHECKED BY: _____ SHEET No. _____

A-1

EXTERIOR LIGHTING SCHEDULE

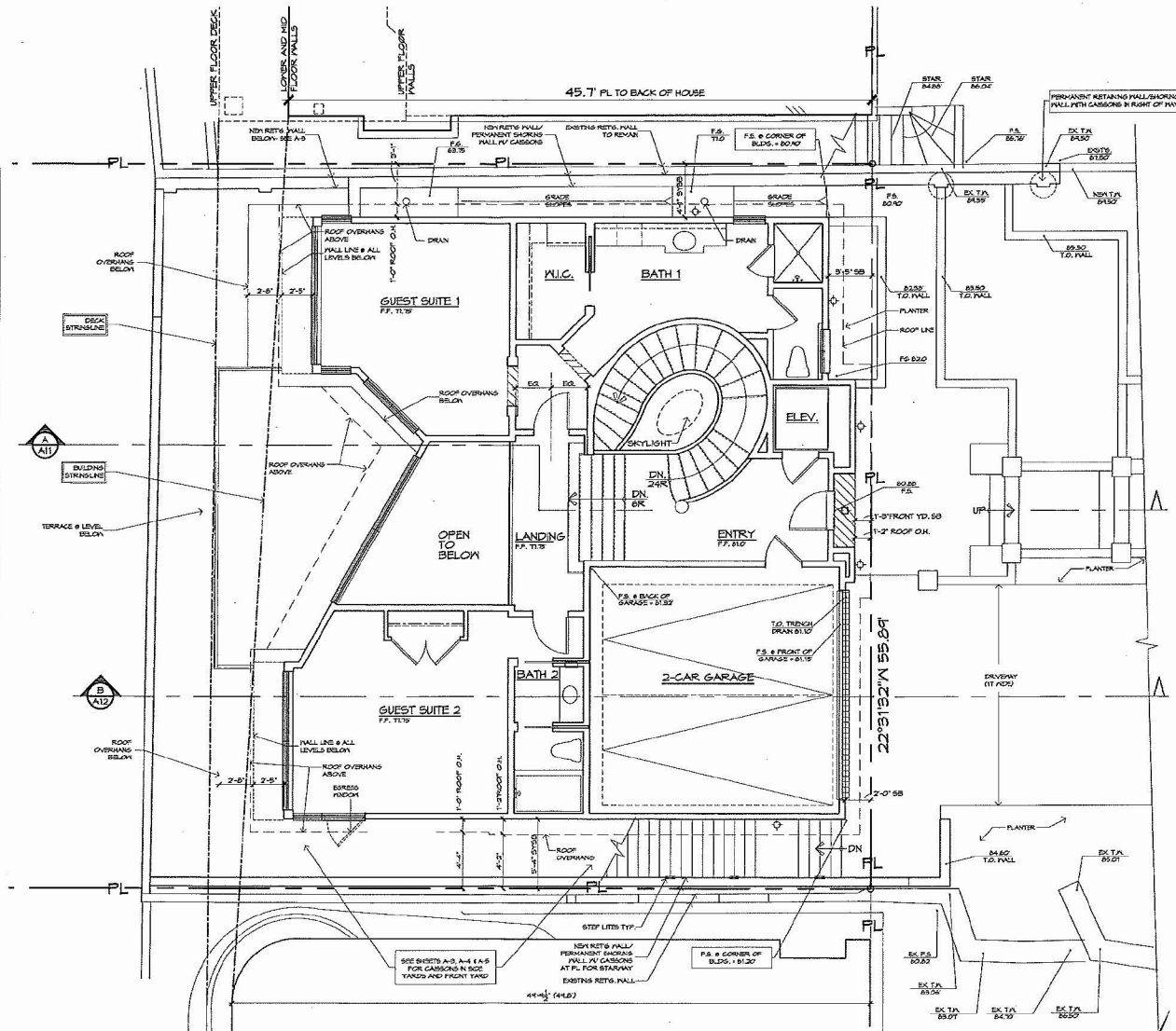
- ⬢ WALL SCOURCES (SEE CUT SHEET BELOW).
- ⬢ 7'-0" ADV. ADJACENT FINISH SURFACE - INO.
- ⬢ STEP LIGHTS ⬢ 16" ADV. STEP NOSING - INO.
- ⬢ RECESSE LIGHT IN SCOFFIT.

Access Lighting: Model 20344

access
STANDARD



20344 Posidon Wet Location Bulkhead
2.1x 60w A19 (E-26 Medium Base)
Bulb Type E-26, Type A22
Lamps Supplied No
Finish BRZ SAT Glass RFR
H 16.75 L 6 Ext 5.3
CEYL Wet Available in Fluorescent
Customize
Market Grade



3rd. LEVEL FLOOR PLAN

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949.434.0476 Fax 949.434.8025

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FISCHER RESIDENCE
3725 OCEAN BLVD.
CORONA DEL MAR, CA

3rd. LEVEL
FLOOR PLAN

REVISIONS

NO. DATE

SUBMITTAL DATE: 5/4/11

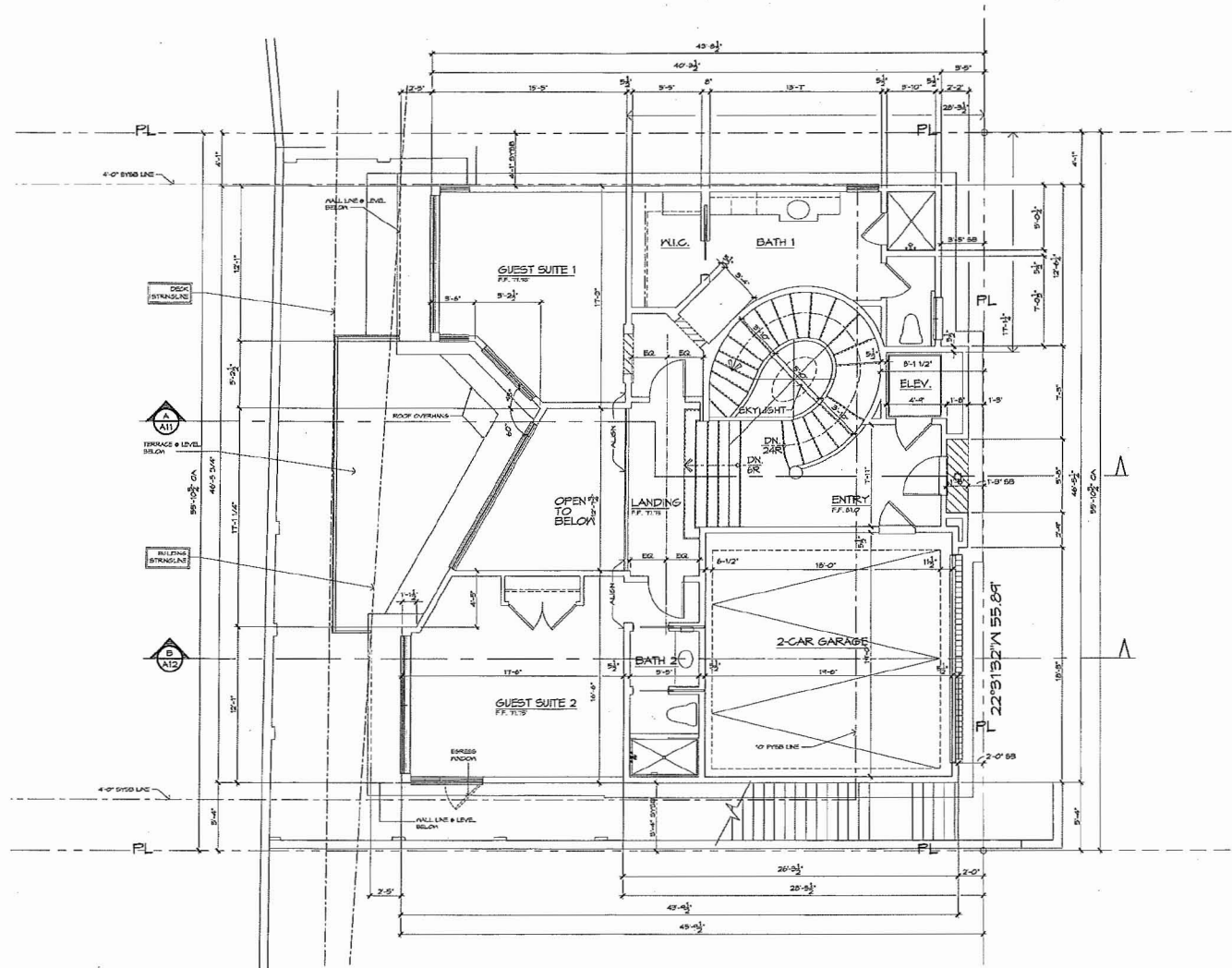
SCALE: 1/4" = 1'-0"

DRAWN BY:

CHECKED BY:

SHEET NO.

A-2



3rd. LEVEL DIMENSIONING

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949.494.0475 Fax 949.494.8026

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CORONA DEL MAR, CA

3rd. LEVEL
DIMENSION PLAN

REVISIONS

NO. DATE

SUBMITTAL DATE: 5/4/11

SCALE: 1/4" = 1'-0"

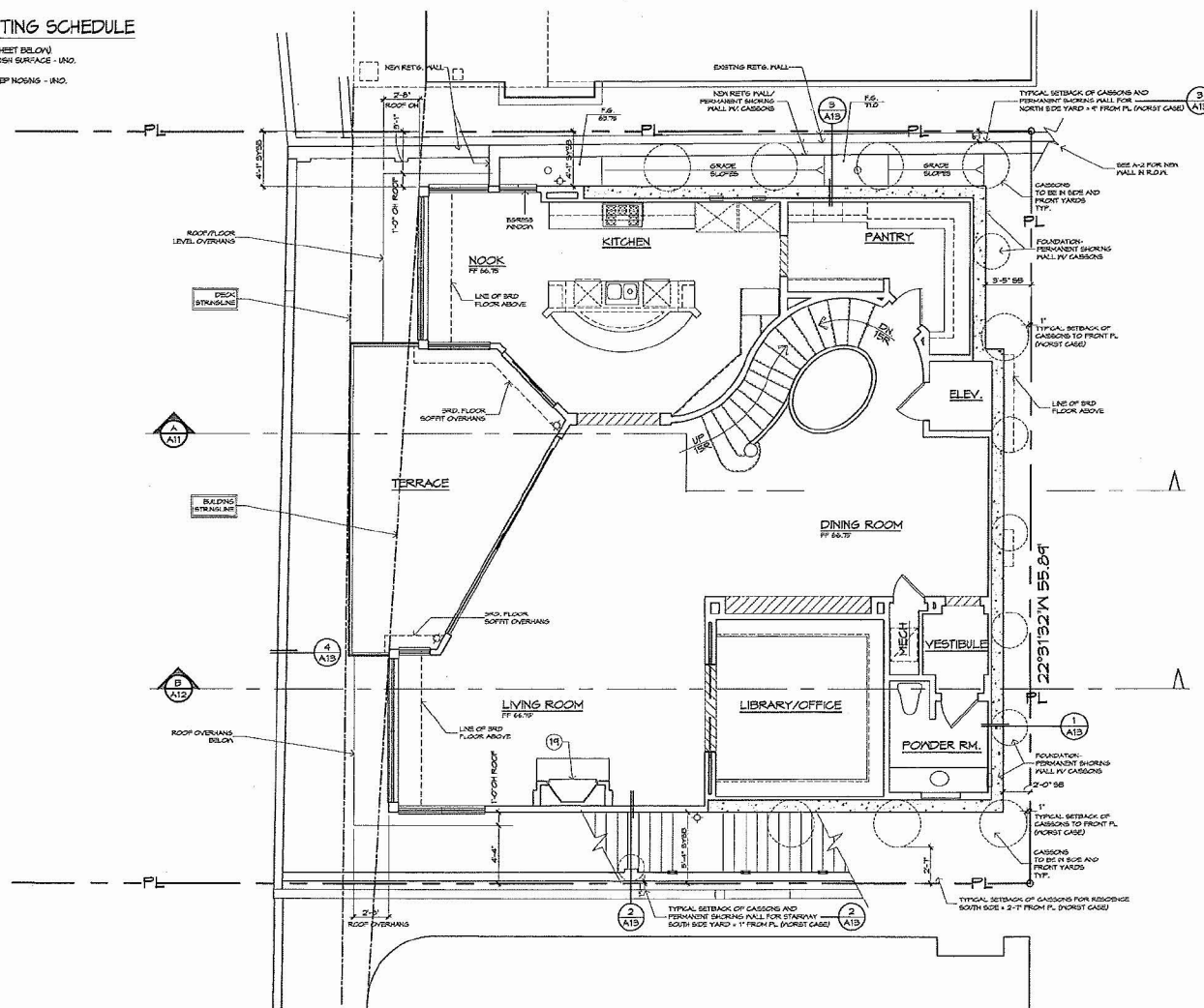
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CHECKED BY:

SHEET NO.

A-2a

WALL SCONCES (SEE CUT SHEET BELOW)
 7'-0" ABV, ADJACENT FINISH SURFACE - UNO.
 STEP LIGHTS @ 16" ABV, STEP NOSING - UNO.
 RECESS LIGHT IN SOFFIT.



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CORONA DEL MAR, CA

2nd. LEVEL
FLOOR PLAN

REVISIONS		DATE
No.	REVISION	

No. _____ DATE _____

SUBMITTAL DATE: 5/4/11

SCALE: $1/4" = 1'-0"$

CRAM, D.V.

UNAW 01: _____

CHECKED BY: _____

SHEET No. _____

2015 2016

10

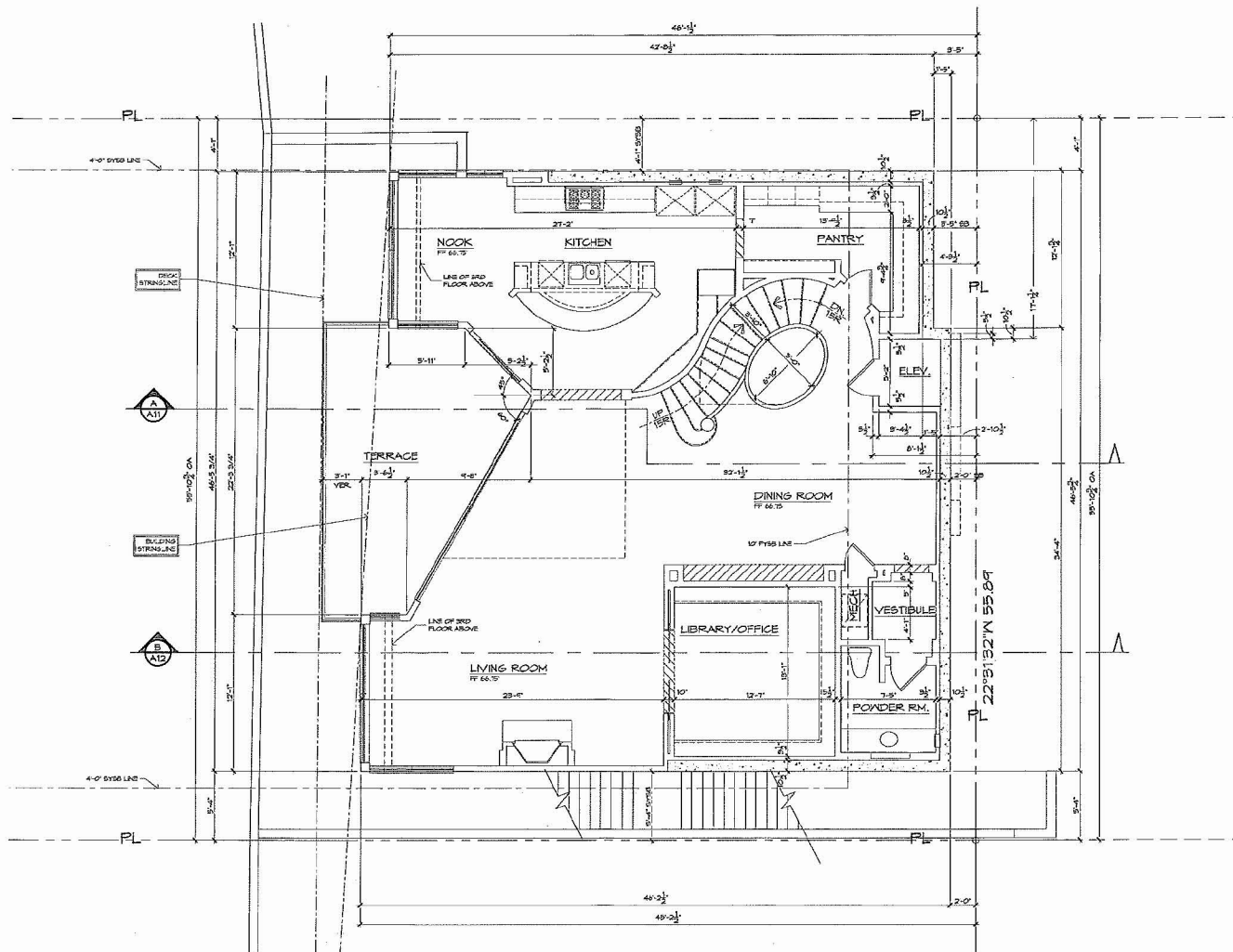
4-3

155

180

1 _____

1. [L'Espresso](#) - 10/10



2nd. LEVEL DIMENSIONING

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3725 OCEAN BLVD.
CORONA DEL MAR, CA

2nd. LEVEL
DIMENSION PLAN

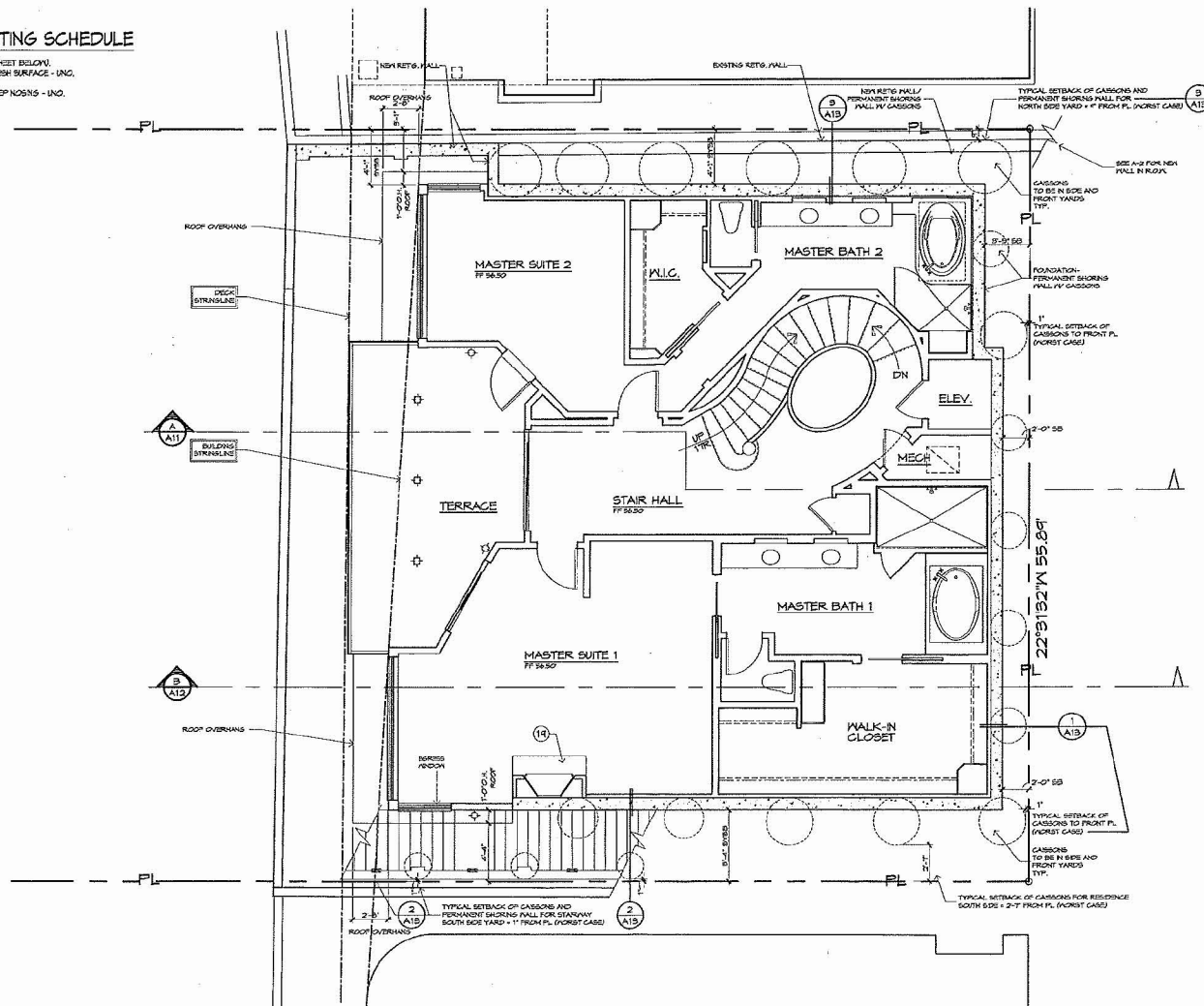
REVISIONS
No. DATE

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SCALE: 1/4" = 1'-0"
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CHECKED BY: SHEET No.

A-3a

EXTERIOR LIGHTING SCHEDULE

- ✦ WALL SCONCES (SEE CUT SHEET BELOW)
- 7'-0" ADV. ADJACENT FINISH SURFACE - UNO.
- STEP LIGHTS • 16" ADV. STEP NOSING - UNO.
- ✦ RECESS LIGHT IN SOFFIT.



1st. LEVEL FLOOR PLAN

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CITY OF NEWPORT BEACH

JOHN
MCINNES
ARCHITECT

JMA ARCHITECT
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LAGUNA BEACH, CALIFORNIA 92651
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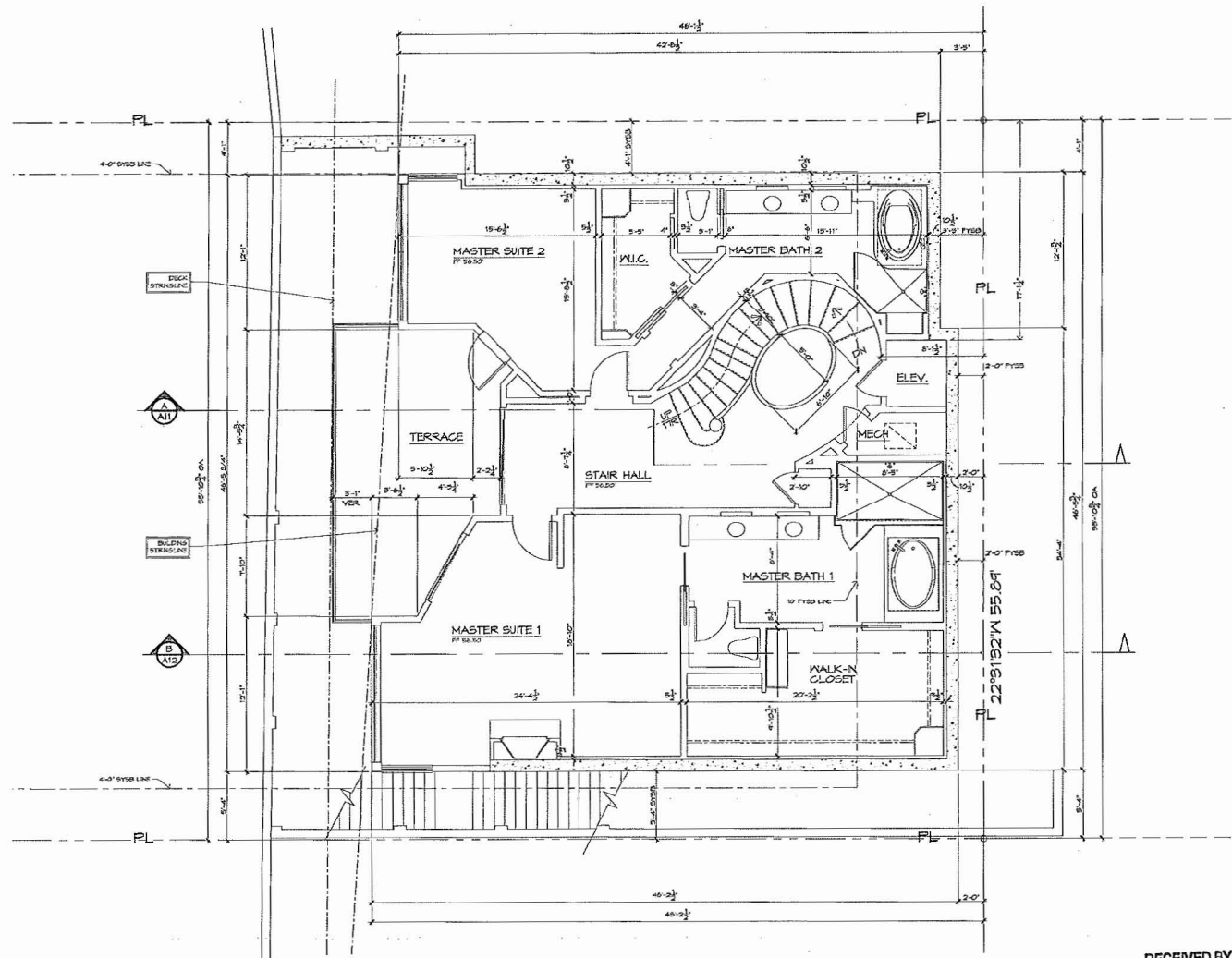
FISCHER RESIDENCE
3725 OCEAN BLVD.
CORONA DEL MAR, CA

1st. LEVEL
FLOOR PLAN

REVISIONS
No. DATE

SUBMITTAL DATE: 5/4/11
SCALE: 1/4" = 1'-0"
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SHEET No.

A-4



1st. LEVEL DIMENSIONING

RECEIVED BY
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CITY OF NEWPORT BEACH

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MCINNES
ARCHITECT

JMA
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LAGUNA BEACH, CALIFORNIA 92651
949.434.0478 Fax 949.434.8326

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CORONA DEL MAR, CA

1st. LEVEL
DIMENSION PLAN

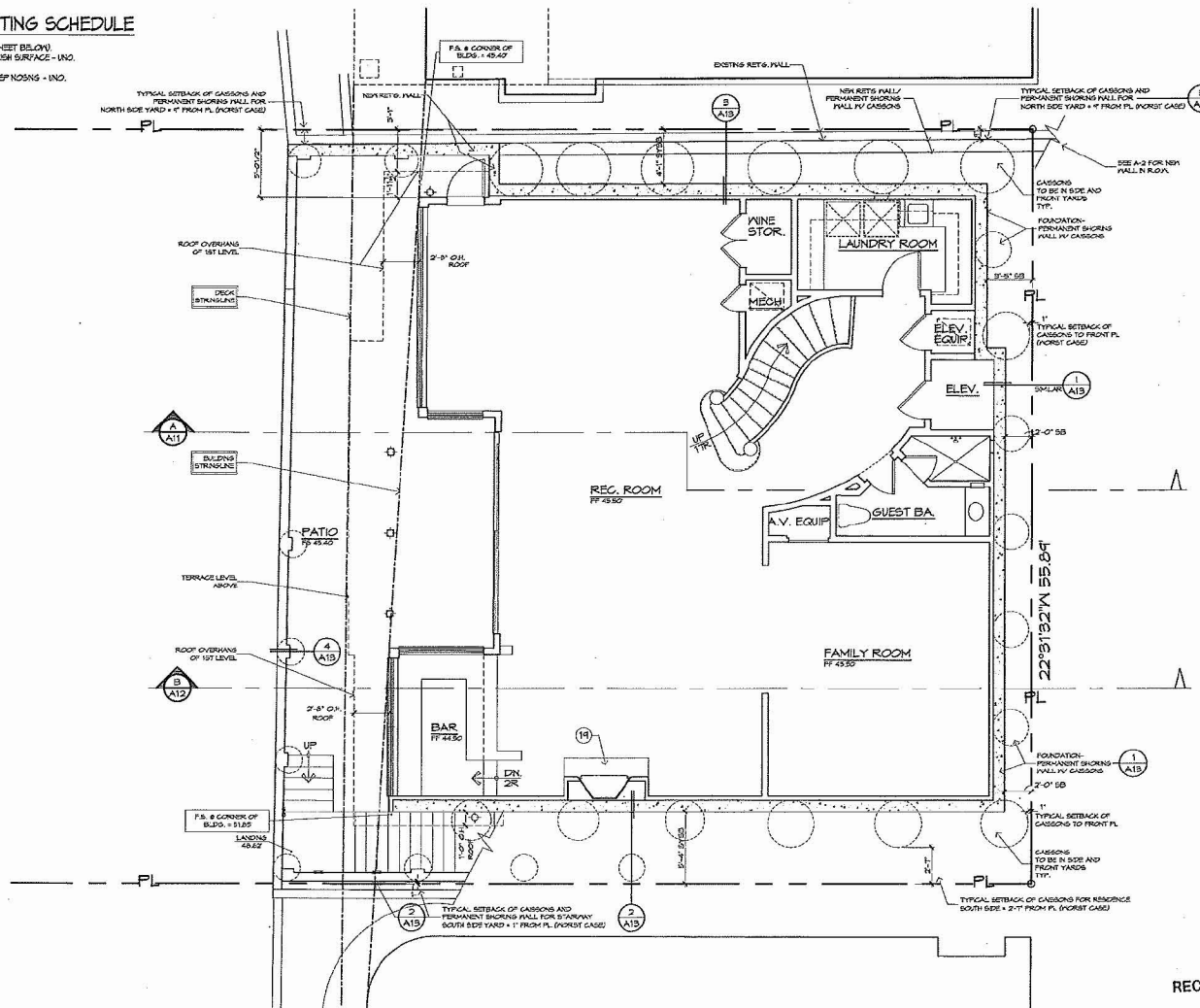
REVISIONS
DATE

SUBMITTAL DATE: 5/4/11
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A-4a

EXTERIOR LIGHTING SCHEDULE

- WALL SCONCES (SEE CUT SHEET BELOW)
- 6" T-OF ADJ. ADJACENT FINISH SURFACE - UNO.
- STEP LIGHTS @ 16" ADV. STEP NOSINGS - UNO.
- RECESSED LIGHT IN BOFFIT.



BASEMENT FLOOR PLAN

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MAY 11 2011

CITY OF NEWPORT BEACH

JOHN
MCINNIS
ARCHITECT

ARCHITECT
939 SOUTH PACIFIC COAST HIGHWAY
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949.438.0476 Fax 949.438.0326

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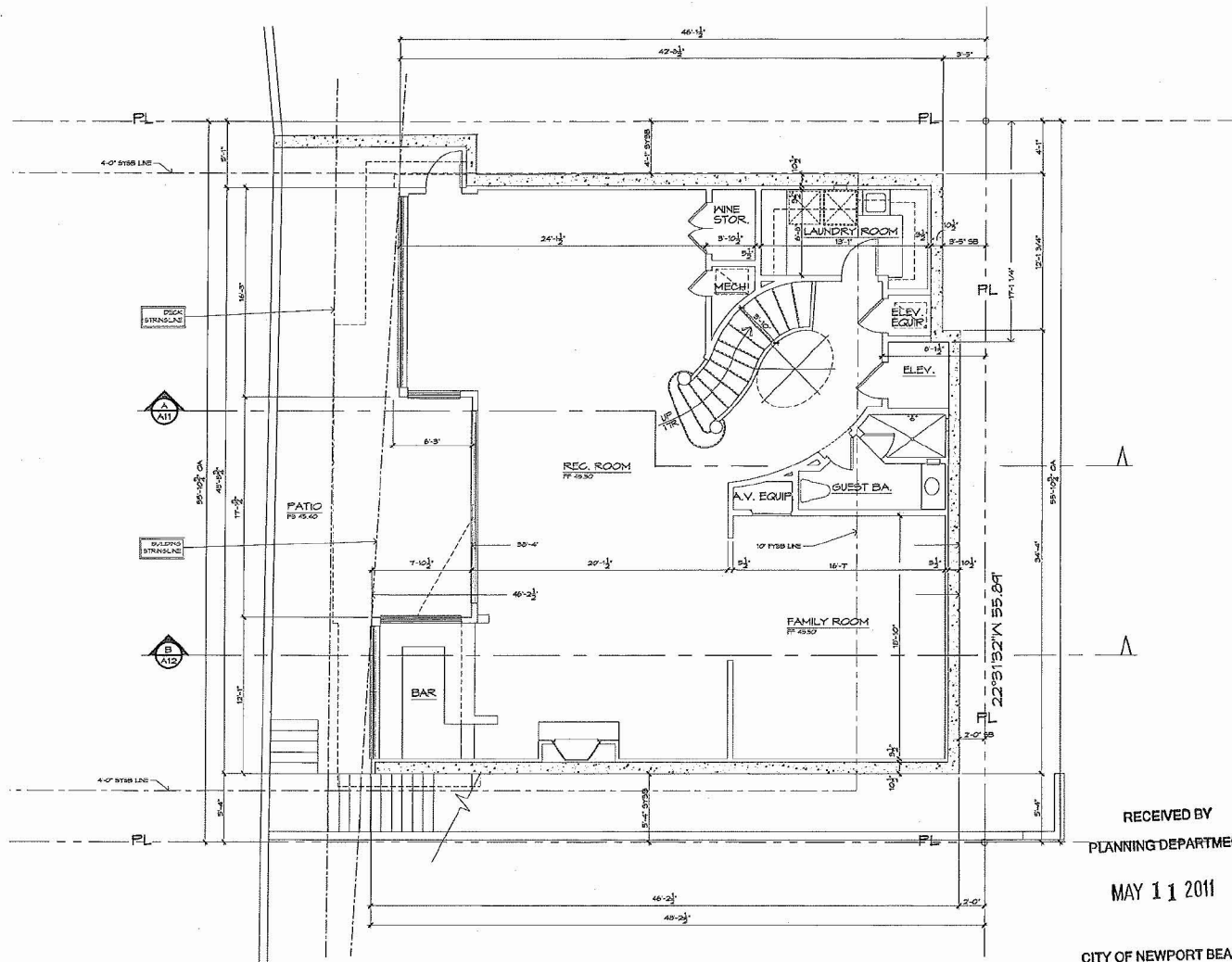
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3725 OCEAN BLVD.
CORONA DEL MAR, CA

BASEMENT
FLOOR PLAN

REVISIONS
No. DATE

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A-5



BASEMENT LEVEL DIMENSIONING

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JMA ARCHITECT
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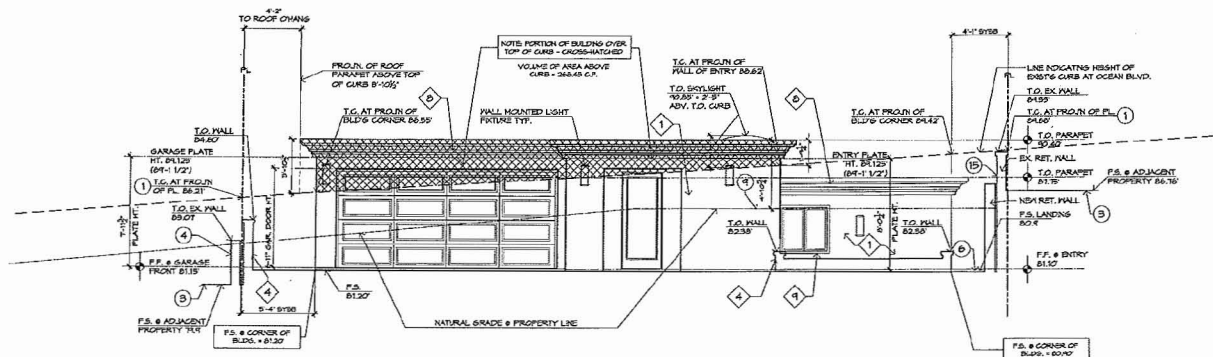
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3725 OCEAN BLVD.
CORONA DEL MAR, CA

BASEMENT
DIMENSION PLAN

REVISIONS
No. DATE

SUBMITTAL DATE: 5/4/11
SCALE: 1/4" = 1'-0"
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A-5a



EAST ELEVATION

ELEVATION NOTES:

1. EXISTING TOP OF CURB AT EXTENSION OF PROPERTY LINE.
2. EXISTING GRADE OF ADJACENT PROPERTY (AT PROPERTY LINE).
3. EXISTING HARDSCAPE WALK, LANDINGS, PATIO, ETC. ON ADJACENT PROPERTY (AT PROPERTY LINE).
4. EXISTING WALL ON PROPERTY LINE.
5. EXISTING STEPS/STAIRS ON ADJACENT PROPERTY (AT PROPERTY LINE).
6. NEW HARDSCAPE WALK, LANDINGS, PATIO, ETC.
7. NEW STEPS TO ALIGN WITH STEPS ON ADJACENT PROPERTY AS SHOWN.
8. EXISTING GRADE TO REMAIN "AS IS" (AT FACE OF BUILDING ELEVATION WALL).
9. EXISTING GRADE AT HARDSCAPE (AT FACE OF BUILDING ELEVATION LINE).
10. PROPOSED NEW GRADE.
11. EXISTING RETAINING WALLS TO BE REMOVED.
12. EXISTING METAL STAIRS ON ADJACENT PROPERTY.
13. ESCAPE/RESCUE WINDOW.
14. NEW STEPS.
15. NEW WALL TO REPLACE EXISTING WALL.
16. EXISTING SECTION OF RETAINING WALL TO BE REMOVED.
17. LOCATION & HEIGHT OF EXISTING RETAINING WALL ON ADJACENT PROPERTY (AT PROPERTY LINE).
18. NEW TOP OF WALL AT PROPERTY LINE.
19. DIRECT VENT GAS FIREPLACE APPLIANCE.
20. DRIVEWAY AND PLANTER TO BE REMOVED.

MATERIAL LEGEND:

1. CUT LIMESTONE VENEER.
2. GLASS DOORS AND WINDOWS IN PAINTED METAL FRAMES.
3. GLASS GUARDRAIL WITH PAINTED METAL CAP.
4. NEW SITE WALL WITH STUCCO FINISH.
5. NOT USED.
6. LIMESTONE ROOF WITH 1/4" MIN. SLOPE.
7. PAINTED METAL PANEL DOOR.
8. LIMESTONE CORNICE.
9. STONE GILL.

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MAY 11 2011

CITY OF NEWPORT BEACH

JOHN
MCINNES
ARCHITECT

JMA ARCHITECT

333 SOUTH PACIFIC COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA 92651
949.494.0476 Fax 949.494.0205

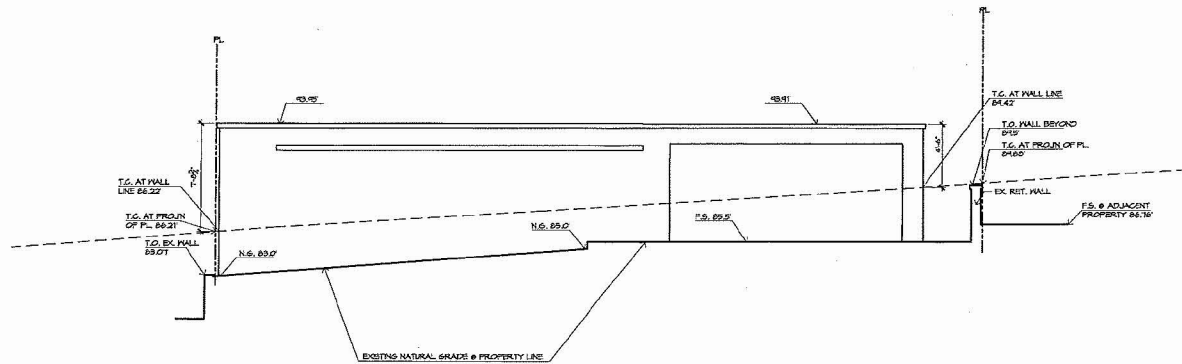
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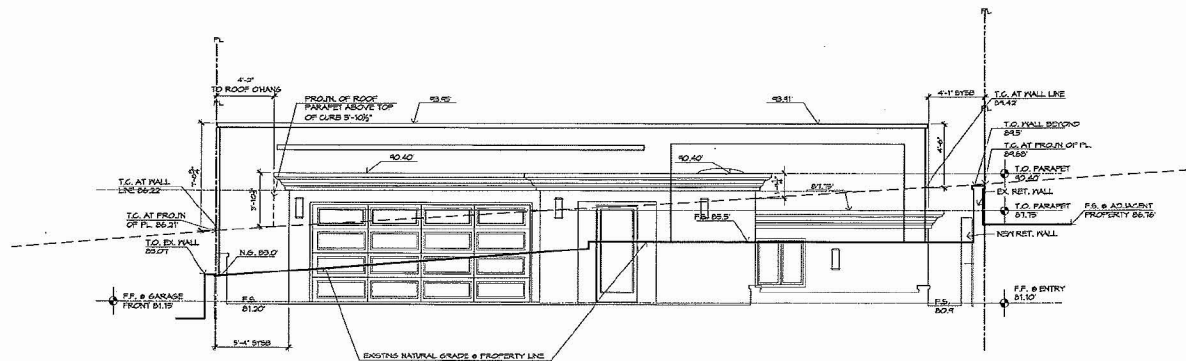
EAST
ELEVATION
CURB HEIGHT - CROSS-HATCHED

REVISIONS
No. DATE
SUBMITTAL DATE: 5/4/11
SCALE: 1/4" = 1'-0"
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A-6



EXISTING FRONT ELEVATION



EXISTING FRONT ELEVATION OVERLAYED ON
PROPOSED FRONT ELEVATION

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JMA
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833 SOUTH PACIFIC COAST HIGHWAY
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CORONA DEL MAR, CA

EAST
ELEVATION

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No. DATE

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A-6a

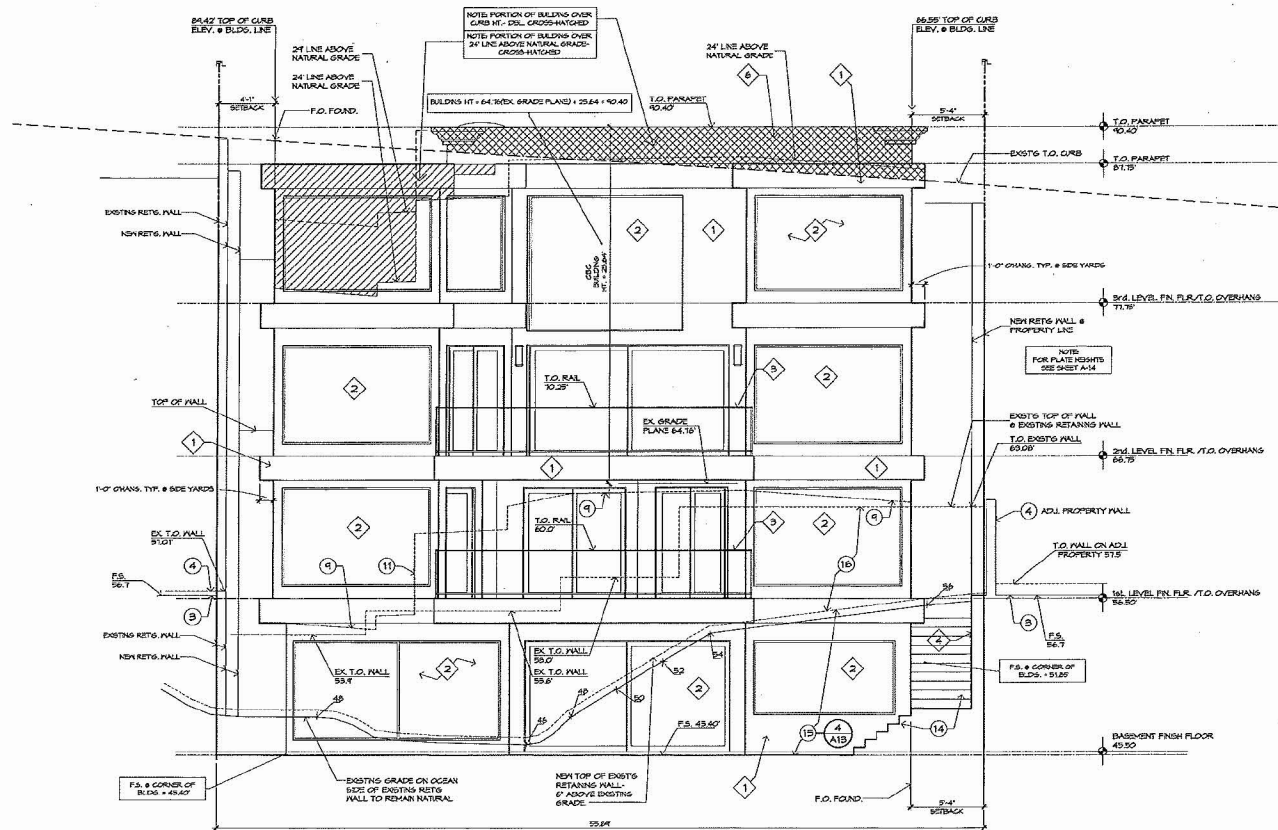
JOHN
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JMA ARCHITECT
93 SOUTH PACIFIC COASTINGWAY
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949.434.0475 Fax 949.434.8005

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FISCHER RESIDENCE
3725 OCEAN BLVD.
CORONA DEL MAR, CA

WEST
ELEVATION
BUILDING AREAS 24' ABOVE
NAT. GRID LINE - CROSS-HATCHED



ELEVATION NOTES:

1. EXISTING TOP OF CURB AT EXTENSION OF PROPERTY LINE.
2. EXISTING GRADE OF ADJACENT PROPERTY (AT PROPERTY LINE).
3. EXISTING HARDSCAPE WALK, LANDING, PATIO, ETC. ON ADJACENT PROPERTY (AT PROPERTY LINE).
4. EXISTING MALL ON PROPERTY LINE.
5. EXISTING STEPS/STAIRS ON ADJACENT PROPERTY (AT PROPERTY LINE).
6. NEW HARDSCAPE WALK, LANDING, PATIO, ETC.
7. NEW STEPS TO ALIGN WITH STEPS ON ADJACENT PROPERTY AS SHOWN.
8. EXISTING GRADE TO REMAIN "AS IS" (AT FACE OF BUILDING ELEVATION WALL).
9. EXISTING GRADE AT HARDSCAPE (AT FACE OF BUILDING ELEVATION LINE).
10. PROPOSED NEW GRADE.
11. EXISTING RETAINING WALLS TO BE REMOVED.
12. EXISTING METAL STAIRS ON ADJACENT PROPERTY.
13. ESCAPE/RESCUE WINDOW.
14. NEW STEPS.
15. NEW MALL TO REPLACE EXISTING WALL.
16. EXISTING SECTION OF RETAINING WALL TO BE REMOVED.
17. LOCATION & HEIGHT OF EXISTING RETAINING WALL ON ADJACENT PROPERTY (AT PROPERTY LINE).
18. NEW TOP OF WALL AT PROPERTY LINE.
19. DIRECT VENT GAS FIREPLACE APPLIANCE.
20. DRIVEWAY AND PLANTER TO BE REMOVED.

WEST ELEVATION

MATERIAL LEGEND:

1. CUT LIMESTONE VENEER.
2. GLASS DOORS AND WINDOWS IN PAINTED METAL FRAMES.
3. GLASS GUARDRAIL WITH PAINTED METAL CAP.
4. NEW SITE WALL WITH STUCCO FINISH.
5. NOT USED.
6. LIMESTONE ROOF IV 1/4" FT. MIN. SLOPE.
7. PAINTED METAL PANEL DOOR.
8. LIMESTONE CORNICE.
9. STONE SILL.

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CITY OF NEWPORT BEACH

REVISIONS	
NO.	DATE

SUBMITTAL DATE: 5/4/11
SCALE: 1/4" = 1'-0"
DRAWN BY:
CHECKED BY: SHEET NO.

A-7



THE DRAMAS FOLLOWING DEEDS DEAR AND
CONFESSION FLOWERS FROM THE EXCLUSIVE
PROPERTY OF JOHN WARD. THESE DRAMAS WILL BE
IN A NEW, COLORED OR REPRODUCED IN ANY MANNER
WITHOUT THE WRITTEN CONSENT OF JOHN WARD.

NORTH
ELEVATION

BUILDING AREAS 24' ABOVE

REVISIONS _____
 No. _____ DA _____

 SUBMITTAL DATE: 5/4/11
 SCALE: 1/4" = 1'-0"
 DRAWN BY: _____
 CHECKED BY: _____
 SHEET No. _____

A-2



1. EXISTING TOP OF CURB AT EXTENSION OF PROPERTY LINE.
2. EXISTING GRADE OF ADJACENT PROPERTY (AT PROPERTY LINE).
3. EXISTING HARDSCAPE WALK, LANDINGS, PATIO, ETC. ON ADJACENT PROPERTY.
4. EXISTING WALL ON PROPERTY LINE.
5. EXISTING STEPS/STAIRS ON ADJACENT PROPERTY (AT PROPERTY LINE).
6. NEW PROPERTY LINE, HATCHED AREA, ETC.
7. NEW STEPS TO ALIGN WITH STEPS ON ADJACENT PROPERTY AS SHOWN.
8. EXISTING GRADE TO REMAIN "AS IS" (AT FACE OF BUILDING ELEVATION).
9. EXISTING GRADE AT HARDSCAPE (AT FACE OF BUILDING ELEVATION LINE).
10. PROPOSED NEW GRADE.
11. EXISTING RETAINING WALLS TO BE REMOVED.
12. EXISTING METAL STAIRS ON ADJACENT PROPERTY.
13. ESCAPE/EACURE KINKDOW.
14. NEW STEPS.
15. NEW WALL TO REPLACE EXISTING WALL.
16. EXISTING SECTION OF RETAINING WALL TO BE REMOVED.
17. LOCATION 4 EXISTING RETAINING WALL ON ADJACENT PROPERTY (AT PROPERTY LINE).
18. NEW TOP OF WALL AT PROPERTY LINE.
19. DIRECT VENT GAS FURNACE APPLIFACE.
20. DRIVEWAY AND PLANTER TO BE REMOVED.
21. PL. HANDRAIL (936" ABOVE STAIR NOSING OF ADJ. PROP.)
22. GUARD RAIL (48" ABOVE FINISH SURFACE OF ADJ. PROP.)
23. EXISTING DRIVEWAY AND PLANTER TO BE REMOVED.
24. BOTH PER CBC, BUILDING CODE REQUIREMENTS.

- ### MATERIAL LEGEND:
1. CUT LIMESTONE VENEER.
 2. GLASS DOORS AND WINDOWS IN PAINTED METAL FRAMES.
 3. GLASS GUARDRAIL WITH PAINTED METAL CAP.
 4. NEW SITE WALL WITH STUCCO FINISH.
 5. NOT USED.
 6. LIMESTONE ROOF W/ 1/4"FT. MIN. SLOPE.
 7. PAINTED METAL PANEL DOOR.
 8. LIMESTONE CORNICE.
 9. STONE SILL.

NORTH ELEVATION

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CITY OF NEWPORT BEACH



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**SOUTH
ELEVATION**
BUILDING AREAS 24' ABOVE
NAT. GRD. LINE. CROSS-HATCHED

A-0

CITY OF NEWPORT BEACH



1. EXISTING TOP OF CURB AT EXTENSION OF PROPERTY LINE.
2. EXISTING GRADE OF ADJACENT PROPERTY (AT PROPERTY LINE).
3. EXISTING HARDSCAPE PAVK, LANDING, PATIO, ETC. ON ADJACENT PROPERTY (AT PROPERTY LINE).
4. EXISTING WALL ON PROPERTY LINE.
5. EXISTING STEPS/STAIRS ON ADJACENT PROPERTY (AT PROPERTY LINE).
6. NEW HARDSCAPE HAVING ANCHORS, PATIO, ETC.
7. NEW STEPS TO RISE ON FIFTH STEPS ON ADJACENT PROPERTY AS SHOWN.
8. EXISTING GRADE TO REMAIN "AS IS" (AT FACE OF BUILDING ELEVATION WALL).
9. EXISTING GRADE AT HARDSCAPE (AT FACE OF BUILDING ELEVATION LINE).
10. PROPOSED NEW GRADE.
11. EXISTING RETAINING WALLS TO BE REMOVED.
12. EXISTING METAL STAIRS ON ADJACENT PROPERTY.
13. ESCAPE/RESCUE PENDOWN.
14. NEW STEPS.
15. NEW WALL TO REPLACE EXISTING WALL.
16. EXISTING SECTION OF RETAINING WALL TO BE REMOVED.
17. LOCATION & HEIGHT OF EXISTING RETAINING WALL ON ADJACENT PROPERTY (AT PROPERTY LINE).
18. NEW TOP OF WALL AT PROPERTY LINE.
19. EXISTING GROUND SURFACE.
20. DRIVEWAY AND PLANTING TO BE REMOVED.

1. CUT LIMESTONE VENEER.
2. GLASS DOORS AND WINDOWS IN PAINTED METAL FRAMES.
3. GLASS GUARDRAIL WITH PAINTED METAL CAP.
4. NEW SITE WALL WITH STUCCO FINISH.
5. NOT USED.
6. LIMESTONE ROOF W/ 1/4"/FT. MIN. SLOPE.
7. PAINTED METAL PANEL DOOR.
8. LIMESTONE CORNICE.
9. STONE SILL.

JOHN
MCINNES
ARCHITECT

JMA ARCHITECT

938 SOUTH PACIFIC COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA 92651
562.434.0475 Fax 562.434.8796

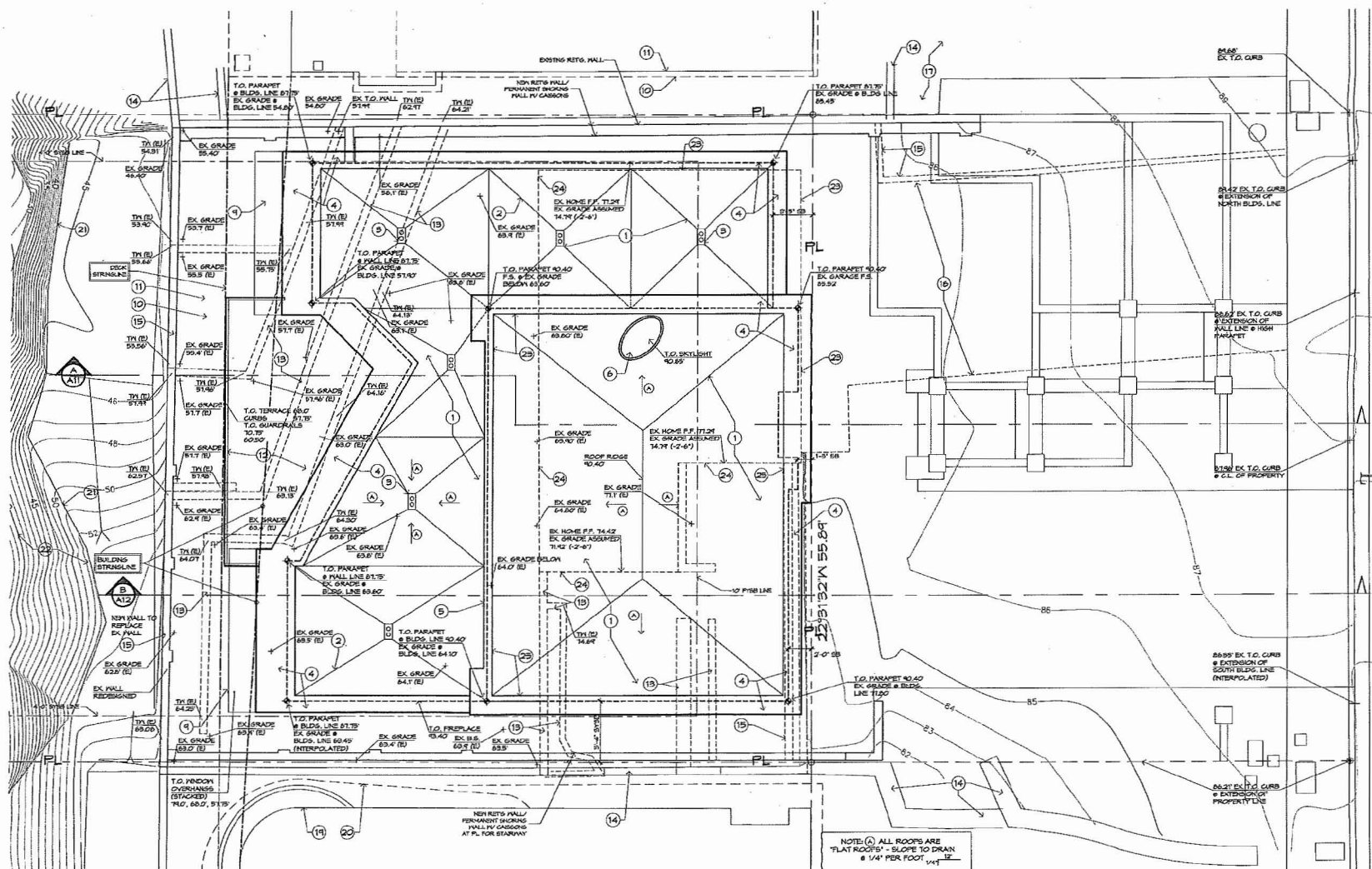
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FISCHER RESIDENCE
3725 OCEAN BLVD.
CORONA DEL MAR, CA

ROOF PLAN

REVISIONS
NO. DATE
SUBMITTAL DATE: 5/4/11
SCALE: 1/4" = 1'-0"
DRAWN BY:
CHECKED BY: SHEET NO.

A-10



ROOF PLAN NOTES:

1. LIMESTONE ROOF TILE TO MATCH WALL VENEER. ARROWS INDICATE DIRECTION OF 1/4" MIN. SLOPE. (A)
2. LIMESTONE ROOF TILE CRICKET AS REQ'D. FOR POSITIVE DRAINAGE TO ROOF DRAINS.
3. ROOF DRAIN (TYP.)
4. CONTINUOUS PARAPET CAP/ROOF OVERHANG WITH LIMESTONE FINISH.
5. LIMESTONE PARAPET CAP.
6. SKYLIGHT.
7. NOT USED.
8. 2ND AND 1ST LEVEL EXTERIOR WALL LINE.
9. ROOF OVERHANG AT 2ND LEVEL LIMESTONE ROOF TILE TO MATCH WALL VENEER.
10. TERRACE GUARDRAIL AT 2ND LEVEL.
11. LIMESTONE CURB AT 2ND LEVEL TERRACE.
12. LIMESTONE TILE AT 2ND LEVEL TERRACE SLOPE 1/4" MIN. TO DRAINS.
13. EXISTING RETAINING WALL ON THIS PROJECT'S PROPERTY.
14. EXISTING ADJACENT WALL ON ADJACENT PROPERTY.
15. EXISTING SITE WALL TO BE REPLACED WITH NEW WALL.
16. EXISTING DRIVEWAY ON THIS PROPERTY TO BE REMOVED PER SEPARATE ENCROACHMENT PERMIT.
17. EXISTING DRIVEWAY ON ADJACENT PROPERTY.
18. NOT USED.
19. EXISTING WALL LINE OF HOUSE ON ADJACENT PROPERTY.
20. EXISTING EAVE LINE OF HOUSE ON ADJACENT PROPERTY.
21. LINE INDICATING LOCATION OF TOP OF BLUFF PER MP SURVEYORS TOPOGRAPHIC SURVEY DATED 4/8/04.
22. EXISTING CONTOURS PER MP SURVEYORS TOPOGRAPHIC SURVEY DATED 4/8/04.
23. LINE OF EXISTING GARAGE TO BE REMOVED.
24. LINE OF EXISTING HOME TO BE REMOVED.
25. CONTINUOUS GUTTER AT ROOF PARAPET.

ROOF PLAN

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MAY 11 2011

CITY OF NEWPORT BEACH



933 SOUTH PACIFIC COAST HIGHWAY
LAGUNA BEACH, CALIFORNIA 92653
949.494.0176 Fax 949.494.0176

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FISCHER RESIDENCE
3725 OCEAN BLVD.
CORONA DEL MAR, CA

SECTION A

BUILDING AREAS ABOVE 24'

REVISIONS _____ DATE _____
No. _____

SUBMITTAL DATE: 5/4/11
SCALE: 1/4" = 1'-0"
DRAWN BY: _____
CHECKED BY: _____
SHEET No. _____

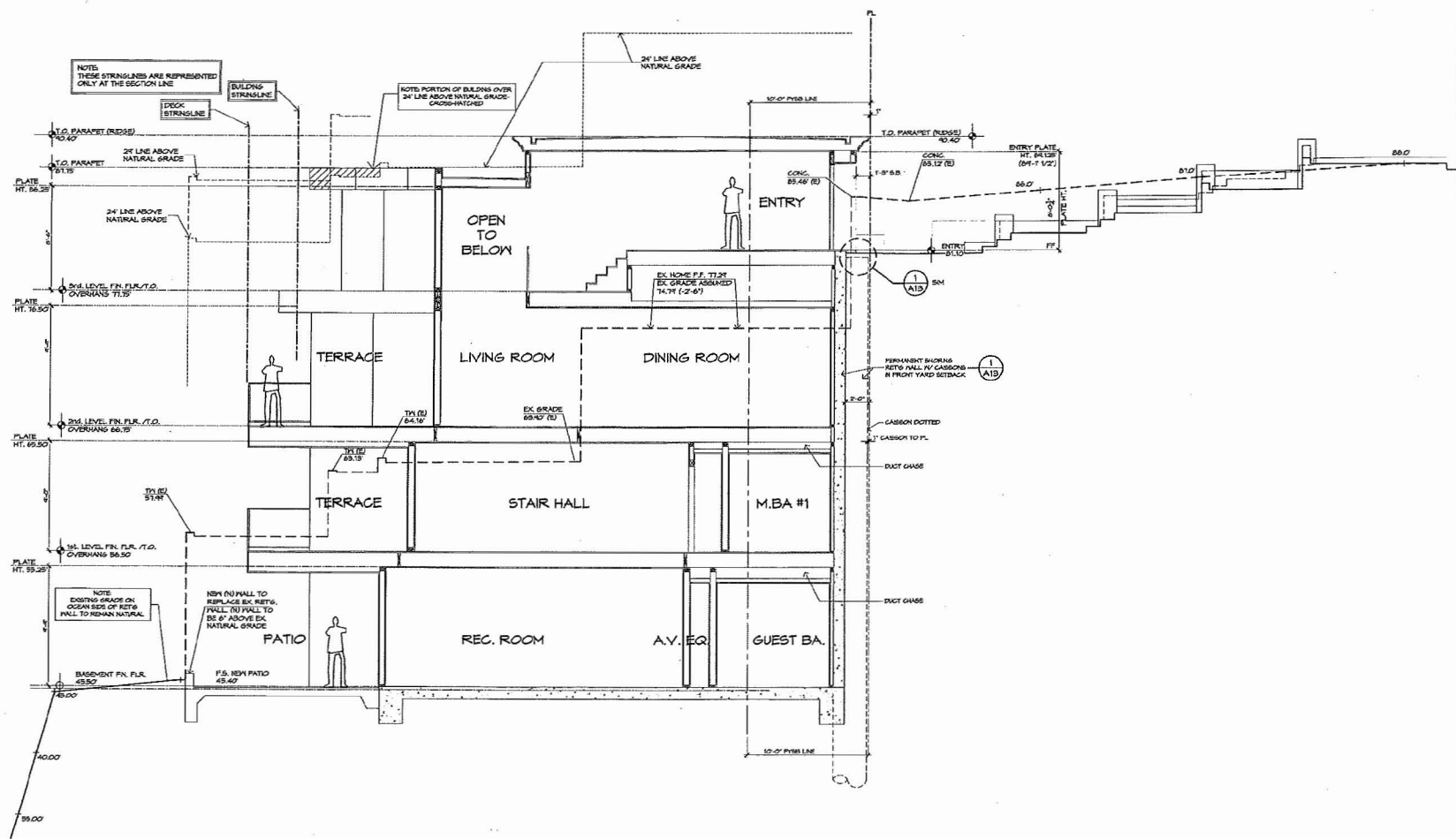
A-11

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SECTION A



**JOHN
MCINNES
ARCHITECT**



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LAGUNA BEACH, CALIFORNIA 92653
949.494.8476 Fax 949.494.8125

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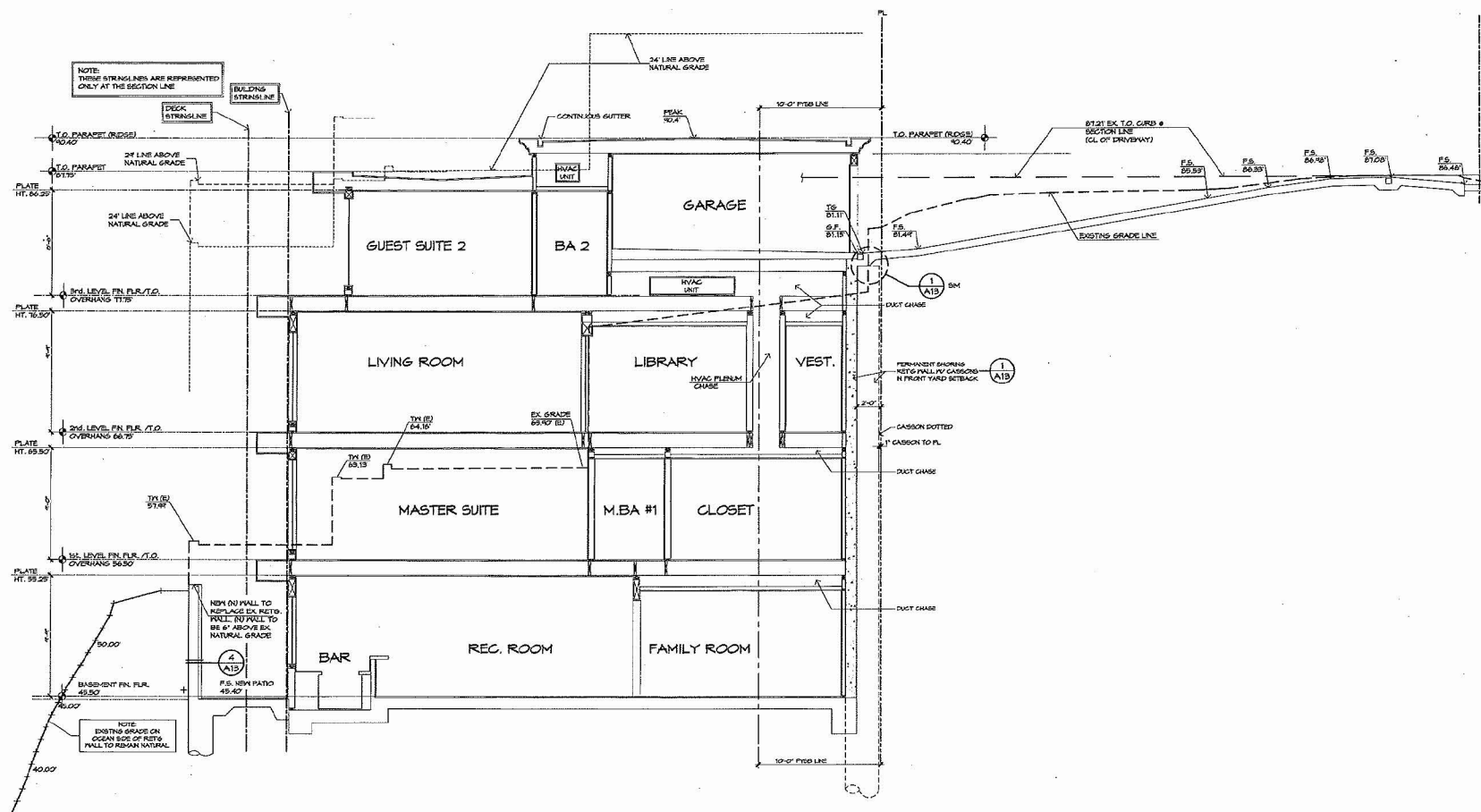
FISCHER RESIDENCE
3725 OCEAN BLVD., CA
CORONA DEL MAR, CA

SECTION B

REVISIONS
NO. DATE

SURVIVAL DATE: 5/4/11
SCALE: 1/4" = 1'-0"
DRAWN BY:
CHECKED BY: SHEET NO.

A-12

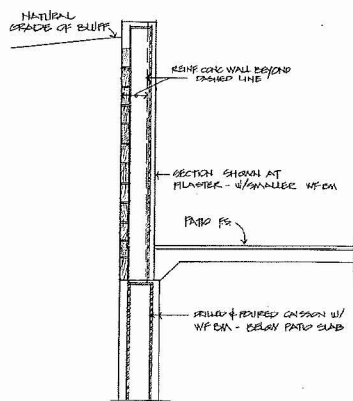


SECTION B

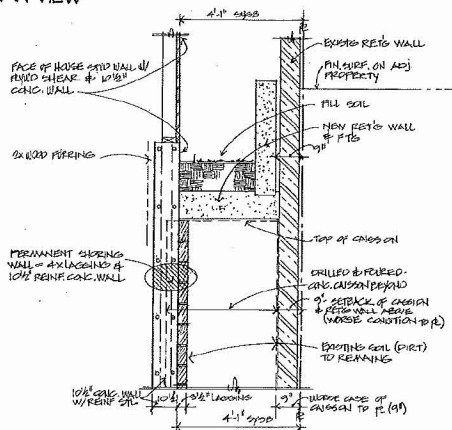
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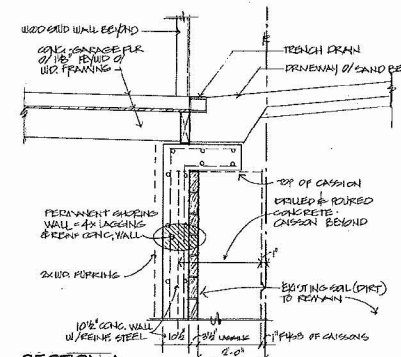
CITY OF NEWPORT BEACH



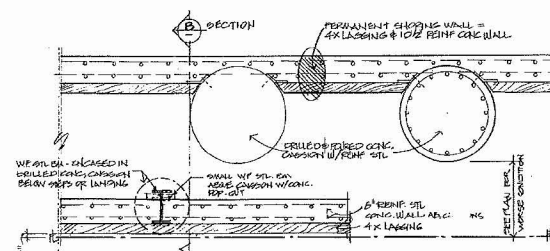
④ REAR YARD PERMANENT SHORING WALL



③ NORTH YARD PERMANENT SHORING WALLS



SECTION A
FRONT YARD PERMANENT SHORING WALL



Hand-drawn architectural section drawing of a building corner, showing structural details and annotations. The drawing includes the following elements and labels:

- Top Annotations:**
 - SHALLER WP. AT DIN ABOVE CHASSEL WORKS POP OUT
 - 0'-4" 0'-5/8"
 - INTERSECT OF R
- Left Wall Annotations:**
 - 0" PERM. STL CONC WALL
 - NO. CHASSEL WORKS - W/ MICRO REIN.
- Right Wall Annotations:**
 - LANDING OF STAIRS
 - TOP OF CHASSEL 0 HOUSE
 - PERMANENT CHASSEL WALLS HOUSE: 4" X LUGGINGS @ 10" PERM CONC WALL
 - 2" X 4" PILING
- Bottom Annotations:**
 - APX. PERM. P. S. SLAB (RELINQUISH)
 - 2" CHASSEL R. WALL
 - PERMANENT MICRO REIN. WALL
 - 4" WOOD LUGGINGS @ 10" PERM. STL CONC
 - W/ STL DIN
 - INTERIOR & BURIED CONC CHASSEL W/ PERM STL
 - OFF R. HOUSE - 0'-1" @ R. HOUSE CASE
 - CHASSEL HOUSE THIS SIDE

SECTION B

(2) SOUTH YARD PERMANENT SHORING WALLS

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MAY 17 1964
CH. NEWPORT BEACH

FISCHER RESIDENCE
3725 OCEAN BLVD.
CORONA DEL MAR, CA

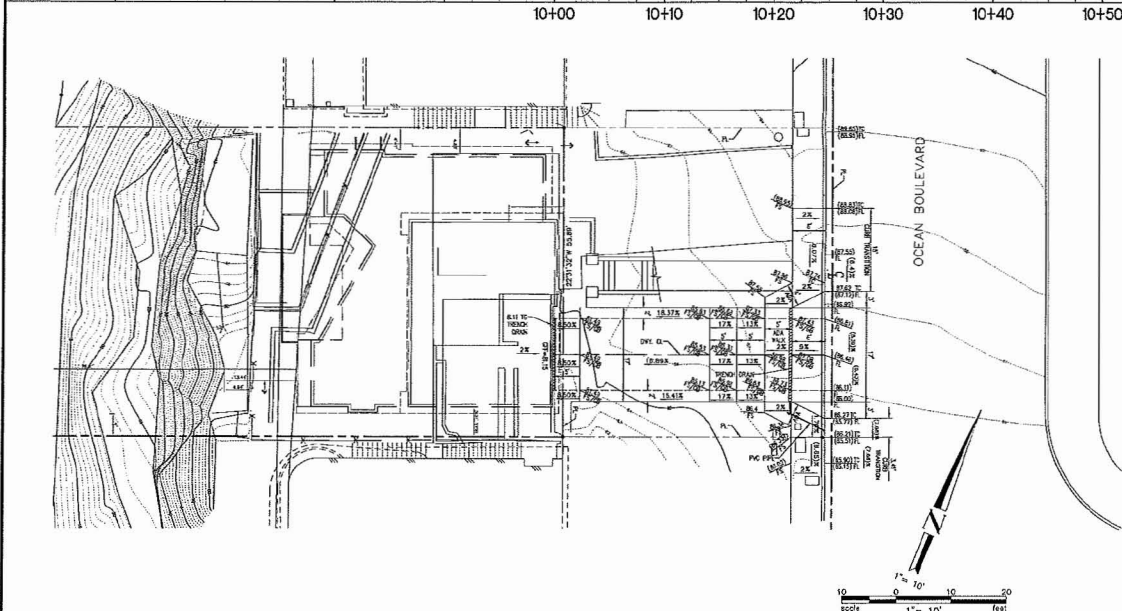
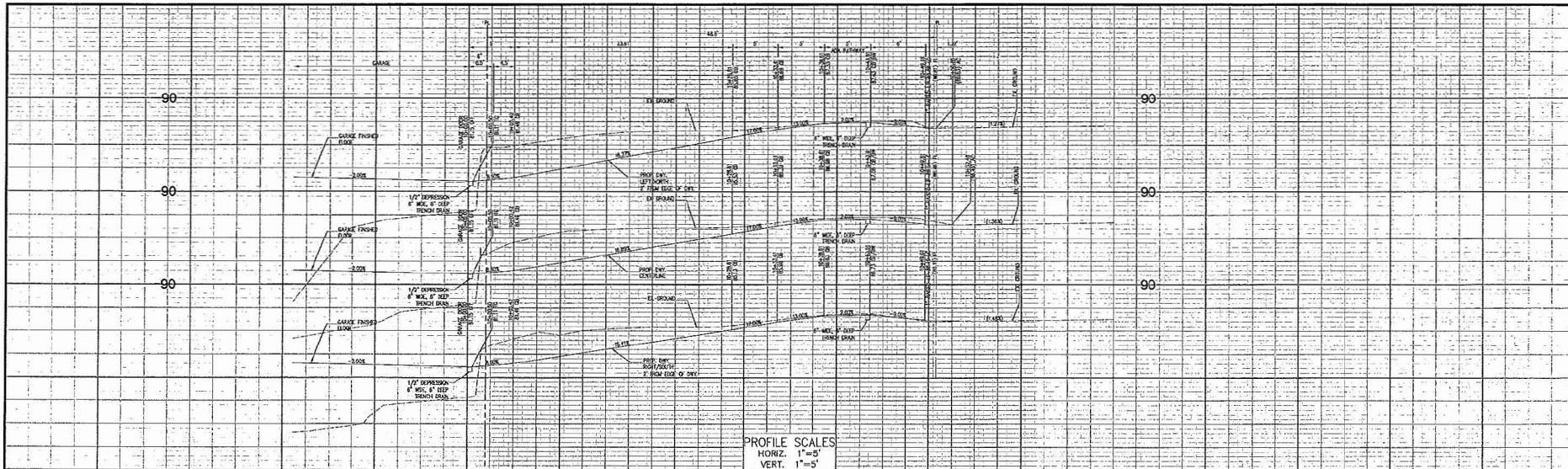
CAISSONS/ RETAINING WALL DETAILS

A 12

1000

1. *Journal of Management Studies*, 1991, 28, 1.


DOI: 10.1002/for

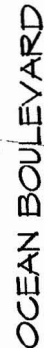


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CITY OF NEWPORT BEACH

	Hall & Foreman, Inc. Engineering • Planning • Surveying 1708 17TH ST. SUITE 200 NEWPORT BEACH, CA 92660-1940 714-455-1100 FAX 714-455-1101 WWW.HALL-FOREMAN.COM	FIELD BOOK REF.		CITY OF NEWPORT BEACH		FISCHER RESIDENCE DRIVEWAY PLAN & PROFILE PLAN 3725 OCEAN BLVD., CORONA DEL MAR		CITY OF NEWPORT BEACH, CA	SHEET 1 OF 1
		DESIGNED BY	APPROVED	DESIGNED BY	APPROVED	DESIGNED BY	APPROVED		
DATE: 2/9/11 DRAWN BY: [Signature] CHECKED BY: [Signature] RECOMMENDED BY: [Signature]		REVISIONS	APP.	DATE	R.C.E.	EXP.			

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CITY OF NEWPORT BEACH

Job Number: _____


Date: 3/3/11

Drawn By: dmm

Revisions:

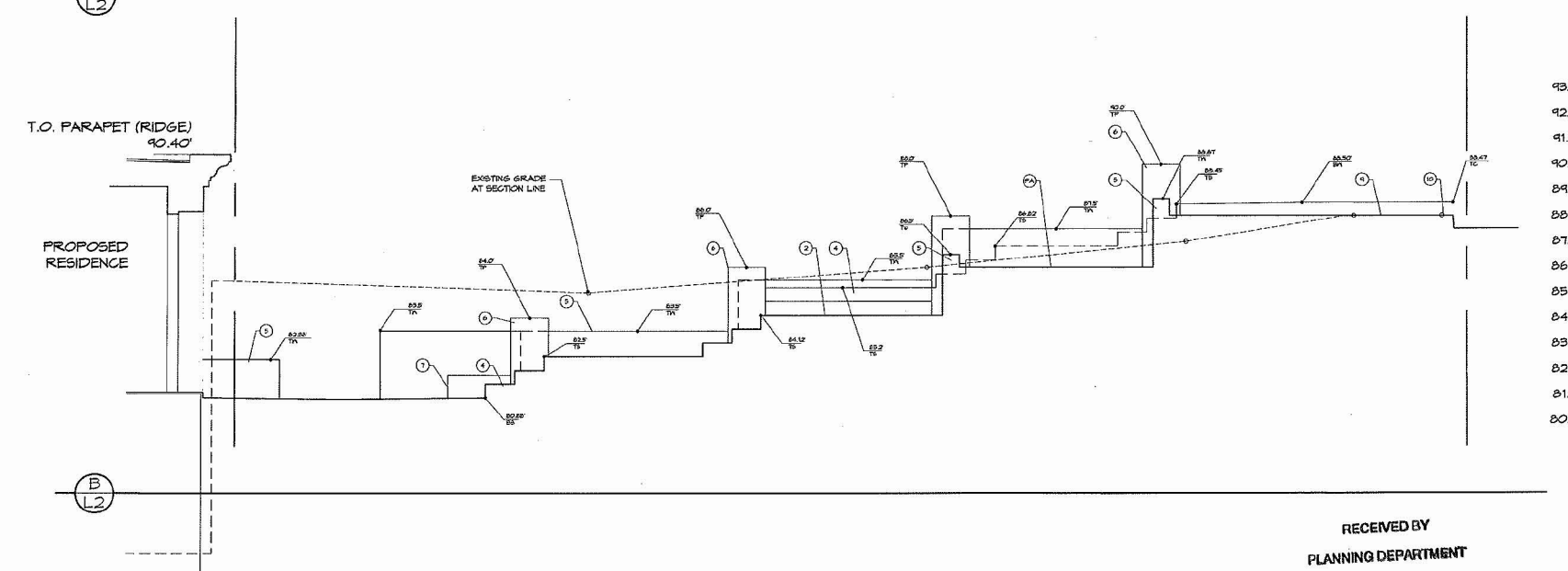
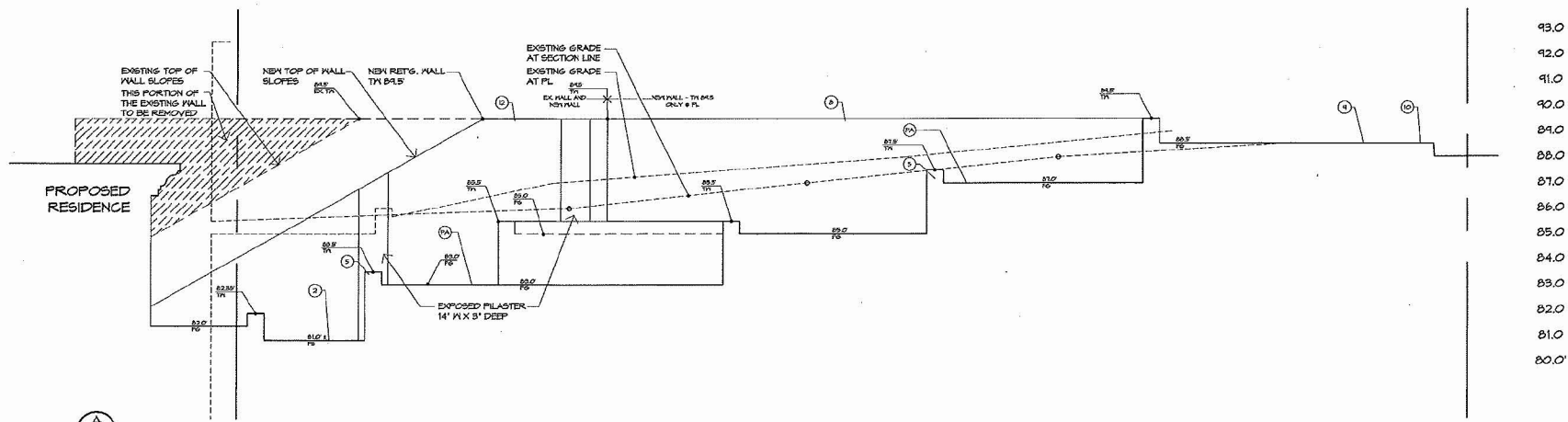
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SCALE 1/4"=1'-0"



SHEET NUMBER

L-1



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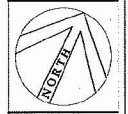
DMLA
Landscape Architecture
30972 Alameda Drive, Suite 200, San Jose, CA 95135-3092



Fischer Residence
3725 Ocean Blvd., Corona Del Mar
Hardscape Plan Sections

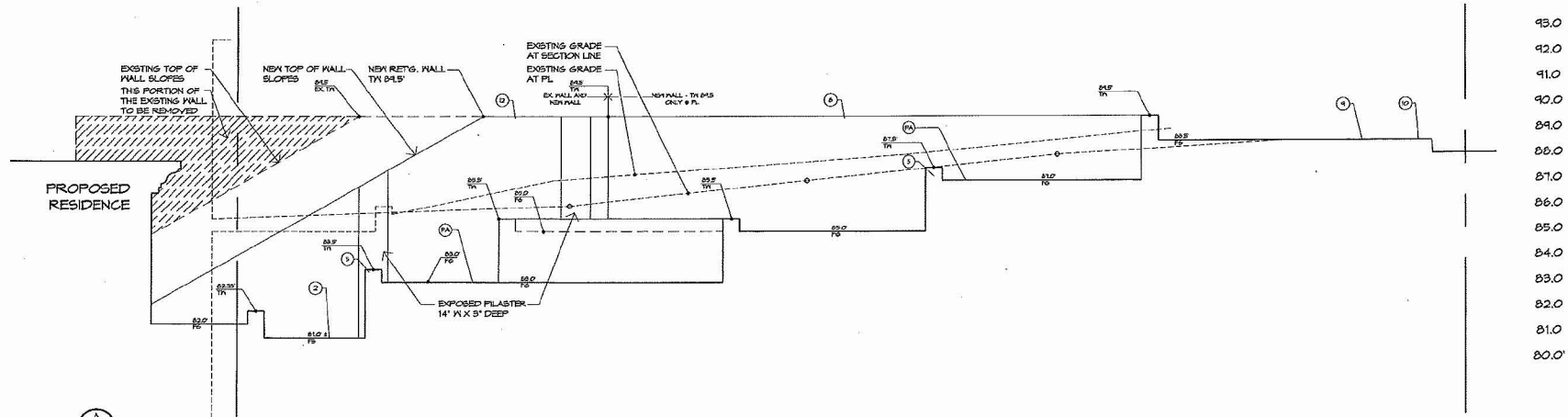
Job Number	
Date	3/3/11
Drawn By	dmm
Revisions	
Δ	
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Δ	

SCALE 1/2" = 1'-0"



SHEET NUMBER

L-2



T.O. PARAPET (RIDGE)
90.40'

PROPOSED
RESIDENCE

EXISTING GRADE
AT SECTION LINE

B
L2

93.0
92.0
91.0
90.0
89.0
88.0
87.0
86.0
85.0
84.0
83.0
82.0
81.0
80.0'

93.0
92.0
91.0
90.0
89.0
88.0
87.0
86.0
85.0
84.0
83.0
82.0
81.0
80.0'

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MAY 11 2011

CITY OF NEWPORT BEACH

DMLA
Landscape Architecture
3800 Atlantic Drive, Suite 200, Costa Mesa, CA 92626 (949) 440-8888



Fischer Residence
3725 Ocean Blvd., Corona Del Mar
Hardscape Plan Sections

Job Number:
Date: 3/3/11
Drawn By: dmm

Revisions:
1
2
3
4

SCALE 1/2"=1'-0"



SHEET NUMBER

L-2

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

May 19, 2011

Agenda Item No. 4

SUBJECT: Review of Preliminary Fiscal Year 2011-2012 Capital Improvement Program (PA2007-131)

PLANNER: Melinda Whelan, Assistant Planner
(949) 644-3221, mwhelan@newportbeachca.gov

PROJECT SUMMARY

Review of the City's Capital Improvement Program (CIP) is required by the City Charter and State Statute. The purpose of the review is to determine consistency with the General Plan and to make recommendations to the City Council concerning proposed public works projects.

RECOMMENDATION

- 1) Conduct a review of the Preliminary Fiscal Year 2011-2012 Capital Improvement Program; and
- 2) Determine that the CIP projects are consistent with the policies of the General Plan, including any additional recommendations deemed appropriate, and report this finding to the City Council.

DISCUSSION

Introduction

The 2011-2012 CIP serves as the annual plan for the provision of public improvements, special projects, on-going maintenance programs, and the implementation of the City's master plans. The Engineering Services Division of the Public Works Department is responsible for CIP projects, including planning, design, construction, and inspection.

Pursuant to Section 707 (c) of the City Charter, the Planning Commission is required to make recommendations to the City Council concerning proposed Public Works projects. In addition, Section 65401 of the California Government Code states that the Planning Commission shall review proposed Public Works projects for consistency with the General Plan and report the results of this review to the City Council.

Analysis

The Preliminary Fiscal Year 2011-2012 CIP contains a total of 56 projects, a majority of which involve the repair and maintenance of existing public improvements and facilities.

These maintenance projects are consistent with General Plan policies that require the proper maintenance of existing facilities and improvements.

Attachment PC 1 includes excerpts of CIP projects that are new construction, expansion, removal and replacement of existing facilities, or renovations and improvements to existing facilities. Attachment PC 2 consists of a brief analysis of these projects in terms of their consistency with the General Plan.

An excerpt from the CIP worksheet that includes descriptions of each project listed below is attached to this report (Attachment PC 1). A copy of the entire Preliminary Fiscal Year 2011-2012 CIP may be found online at: <http://newportbeachca.gov/Modules/ShowDocument.aspx?documentid=10006>

CONCLUSION

The Preliminary Fiscal Year 2011-2012 Capital Improvement Program is consistent with the General Plan.

Environmental Review

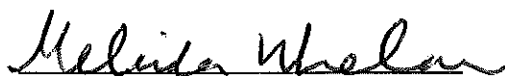
None required.

Public Notice

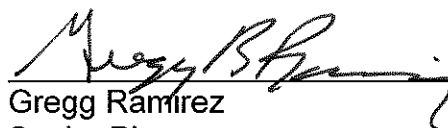
None required.

Prepared by:

Submitted by:



Melinda Whelan
Assistant Planner



Gregg Ramirez
Senior Planner

ATTACHMENTS

PC 1 Fiscal Year 2011-2012 Capital Improvement Program Excerpt

PC 2 CIP General Plan Policy Analysis

Attachment No. PC 1

Fiscal Year 2011-2012 Capital
Improvement Program Excerpt

Balboa Yacht Basin Facility Improvements

Requesting Department: Public Works

Category: Facilities

This project makes facility improvements to Balboa Yacht Basin, the City's public marina, which has 170 boat slips and is nearly 25 years old. Specific improvements will be determined during design. Most likely, improvements will include general dock maintenance as well as general aesthetic improvements (painting, signage, and upkeep repairs.)

Location:

Balboa Yacht Basin, 829 Harbor Island Drive

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$50,000
Other	\$0
Total	\$50,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Tide and Submerged Lands	7231	C1002036	\$0	\$50,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$50,000
PROJECT TOTAL			\$50,000	

Civic Center

Requesting Department: Public Works

Category: Facilities

The Civic Center and Park Project includes a city hall building, one of the city's largest parks, a 450-space parking structure, and an expansion of the Newport Beach Central Library. Construction is underway and is scheduled to be completed by the end of 2012. The current total cost estimate for all project components is \$128 million.

Location:

1100 Avocado Avenue

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$1,000,000
Other	\$1,550,000
Total	\$2,550,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Civic Center	7410	C1002009	\$1,000,000	\$0
OCIP Insurance	7410	C1002028	\$250,000	\$0
OCIP Premiums	7410	C1002034	\$300,000	\$0
OCIP Loss Claims	7410	C1002035	\$1,000,000	\$0
TOTAL			\$2,550,000	\$0

PROJECT TOTAL **\$2,550,000**

Lifeguard Headquarters Replacement

Requesting Department: Fire

Category: Facilities

This project provides for necessary studies, concept development and design effort needed to develop plans to replace the current Lifeguard Headquarters. Future construction will include a new, more efficient central tower at Newport Pier and a small tower and Junior Lifeguard's meeting room at Balboa Pier.

Location:

Newport and Balboa Piers

	FY 2011-12
Design/Environmental	\$400,000
Right-of-Way, Land Acquisition	\$0
Construction	\$0
Other	\$0
Total	\$400,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Major Facilities Master	7414	C1002037	\$0	\$400,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$400,000

PROJECT TOTAL **\$400,000**

Bayside Drive and Riverside Avenue Storm Drain Improvements

Requesting Department: Public Works

Category: Streets and Drainage

This project will design and reconstruct two existing storm drain segments to correct capacity restrictions. Plans and specifications will be prepared by staff. Construction will be performed by a private contractor.

Location:

Bayside Drive and Riverside Avenue

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$300,000
Other	\$0
Total	\$300,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
General Fund	7012	C2502011	\$0	\$300,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$300,000

PROJECT TOTAL \$300,000

China Cove Slope and Drainage Improvements

Requesting Department: Public Works

Category: Streets and Drainage

This project provides for slope stabilization and drainage improvements at China Cove. Improvements will help minimize the threat of failures and protect the integrity of Ocean Boulevard.

Location:
China Cove

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$310,000
Other	\$0
Total	\$310,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
General Fund	7012	C2502003	\$200,000	\$0
General Fund	7014	C8002008	\$110,000	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$310,000	\$0

PROJECT TOTAL \$310,000

Irvine Avenue Realignment - University Drive to Bristol Street

Requesting Department: Public Works

Category: Streets and Drainage

This project provides the City's portion of the funding of the project cost for the realignment of Irvine Avenue. Plans and specifications were administered by the County of Orange and construction was performed by a private contractor under County administration.

Location:

Irvine Avenue - University Drive to Bristol Street South

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$1,800,000
Other	\$0
Total	\$1,800,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Gas Tax	7181	C5100470	\$600,000	\$0
Transportation and Circulation	7261	C5100470	\$0	\$1,000,000
Water Enterprise	7511	C5100470	\$200,000	\$0
			\$0	\$0
TOTAL			\$800,000	\$1,000,000

PROJECT TOTAL **\$1,800,000**

Jamboree Road Improvements - Bristol Street North to Fairchild Road

Requesting Department: Public Works

Category: Streets and Drainage

This project includes the widening of Jamboree Road at the intersection of MacArthur Boulevard as called for in the General Plan. The project provides for an additional northbound thru lane on Jamboree Road and an additional southbound left turn lane on Jamboree Road onto MacArthur Boulevard. This project also involves right-of-way acquisition and roadway widening in the City of Irvine and is dependent on their cooperation and assistance.

Location:

Jamboree Road from Bristol Street North to Fairchild Road

		FY 2011-12
Design/Environmental		\$0
Right-of-Way, Land Acquisition		\$0
Construction		\$3,228,600
Other		\$0
Total		\$3,228,600

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Transportation and Circulation	7261	C2002019	\$232,200	\$0
Measure M Competitive	7284	C2002019	\$2,996,400	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$3,228,600	\$0

PROJECT TOTAL **\$3,228,600**

Newport Boulevard and 32nd Street Modification

Requesting Department: Public Works

Category: Streets and Drainage

This project involves widening Newport Boulevard to accommodate one additional northbound through lane from 30th Street to 32nd Street and one additional southbound through lane from Via Lido to 32nd Street terminating as a right-turn only lane at 32nd Street. Staff submitted a funding application to OCTA under the current Measure M2 call for projects. If successful, an additional \$225,000 will be available for environmental and design efforts. Plans and specs will be prepared by a consultant. Right-of-way acquisition construction will be applied for and completed in the following fiscal years.

Location:

Newport Boulevard from Via Lido to 30th Street

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$300,000
Other	\$0
Total	\$300,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Gas Tax	7181	C2002048	\$0	\$75,000
Measure M Competitive	7284	C2002048	\$0	\$225,000
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$300,000

PROJECT TOTAL **\$300,000**

Storm Drain Interceptors

Requesting Department: Public Works

Category: Streets and Drainage

Measure M provides funds for cleaning urban and storm runoff associated with our main transportation corridors. Public Works and Municipal Operations have identified several locations where storm interceptors or infiltration galleries could be installed to clean water before it enters the bay or ocean. Measure M funds require a 50 percent match.

Location:

Various locations where storm drain discharge to the ocean or bay

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$300,000
Other	\$0
Total	\$300,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
General Fund	7012	C2502010	\$0	\$150,000
Measure M Competitive	7284	C2502010	\$0	\$150,000
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$300,000

PROJECT TOTAL **\$300,000**

Traffic Signal Modernization: Phase 5

Requesting Department: Public Works

Category: Traffic

Traffic Signal Modernization is a multi-year, multi-phased program to update the City's traffic signal system. Phase 5 includes hardware and fiber optic cable upgrades to 11 intersections in and around Newport Center. Installation of 3 new CCTV cameras will provide views of all major entry points to Fashion Island. This work also includes the installation of a new signal at Anacapa Drive and Newport Center Drive and left turn signal phasing and lane modifications at San Miguel Road and Newport Center Drive.

Location:
Newport Center

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$1,619,300
Other	\$0
Total	\$1,619,300

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Transportation and Circulation	7261	C3002009	\$719,300	\$900,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$719,300	\$900,000

PROJECT TOTAL **\$1,619,300**

Balboa Yacht Basin Mooring Support Services Improvements

Requesting Department: Public Works

Category: Parks, Harbors and Beaches

This project improves amenities for mooring permittees at the City owned Balboa Yacht Basin. This project will satisfy half of the mooring fields while the other half will be satisfied with the future Marina Park facility. New amenities consist of 1) providing temporary, free slips for mooring permittees for access to service their boats for short periods of time (2-3 hours); 2) providing two power slip pedestals to be used with a credit card; 3) potential dinghy storage racks; and 4) potential dinghy dock located at the bulkhead between docks D and E.

Location:

Balboa Yacht Basin

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$25,000
Other	\$0
Total	\$25,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Tide and Submerged Lands	7231	C4402006	\$0	\$25,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$25,000

PROJECT TOTAL **\$25,000**

Bonita Canyon Sports Park

Requesting Department: Recreation / Senior Services

Category: Parks, Harbors and Beaches

This project completes construction of additional shade structures at West Park; construction of backstops at fields 1-4; installation of safety surfacing at tot lots; and plant and tree in-fills throughout the park including MacArthur and Manning tract areas.

Location:

Bonita Canyon Sports Park

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$68,200
Other	\$0
Total	\$68,200

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Bonita Canyon Development	7441	C4120616	\$68,200	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$68,200	\$0

PROJECT TOTAL \$68,200

Lower Harbor Dredging

Requesting Department: Public Works

Category: Parks, Harbors and Beaches

This project involves working with the US Army Corps of Engineers to develop permit documentation and approvals to dredge the entire lower harbor area back to its design depth.

Location:
Lower Newport Bay

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$100,000
Other	\$0
Total	\$100,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Tide and Submerged Lands	7231	C4402003	\$100,000	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$100,000	\$0

PROJECT TOTAL \$100,000

Marina Park

Requesting Department: Public Works

Category: Parks, Harbors and Beaches

The Marina Park project proposes new visitor-serving marina facilities, an aquatics sports building, a community center and community park. The Environmental Impact Report was completed in spring 2010. Upon approval by the Coastal Commission, the project's plans and specifications will be completed by the consultant team and the project will be put out for bid. The first bid packages will be for demolition of existing facilities and construction of the new Marina.

Location:

West Balboa Boulevard between 15th and 19th Streets

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$9,000,000
Other	\$0
Total	\$9,000,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Major Facilities Master	7411	C4002002	\$725,000	\$8,275,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$725,000	\$8,275,000

PROJECT TOTAL **\$9,000,000**

Sunset Ridge Park

Requesting Department: Public Works

Category: Parks, Harbors and Beaches

The project provides a new park in West Newport with active and passive uses. When completed, Sunset Ridge Park will provide baseball and soccer fields, restrooms and picnic facilities, flower gardens and coastal views. The project also includes the creation of several acres of prime habitat for the threatened California Gnatcatcher. The habitat area will be located on part of the southerly portion of the Banning Ranch property that is being provided to the City to permit public access to the park. Construction of the park, entry road and traffic signal at Coast Highway is expected to begin by the end of 2011.

Location:

West Coast Highway and Superior Avenue

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$9,500,000
Other	\$0
Total	\$9,500,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Major Facilities Master	7412	C5100515	\$9,500,000	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$9,500,000	\$0

PROJECT TOTAL **\$9,500,000**

Big Canyon Wash Restoration

Requesting Department: Public Works

Category: Water Quality and Environmental

Upland locations of the Big Canyon Wash area west of Jamboree Road will be targeted for restoration including removing invasive plants, replanting with native plants and restoring trails. This is the first phase of the multi-phase plan to restore the canyon.

Location:

Big Canyon bounded by Jamboree Road to the east, Eastbluff Apartments and Villa Granada community to the north, Backbay Drive to the west, and Park Newport community to the south.

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$1,575,000
Other	\$0
Total	\$1,575,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
General Fund	7014	C5002004	\$75,000	\$0
Contributions	7251	C5002004	\$1,500,000	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$1,575,000	\$0

PROJECT TOTAL **\$1,575,000**

Buck Gully Canyon Stabilization and Flood Control

Requesting Department: Public Works

Category: Water Quality and Environmental

This project will build drop structures and weirs to stabilize erosion in lower Buck Gully. Additionally, water quality improvement features will be installed including a infiltration gallery for the Evening Canyon storm drain that outlets near the mouth of Buck Gully. Proposition 84 ASBS funds will partially support construction of this project.

Location:

Lower Buck Gully

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$1,759,600
Other	\$0
Total	\$1,759,600

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
General Fund	7014	C5002002	\$1,034,600	\$0
Environmental Contributions	7255	C5002002	\$0	\$725,000
			\$0	\$0
			\$0	\$0
TOTAL			\$1,034,600	\$725,000

PROJECT TOTAL **\$1,759,600**

Crystal Cove Parking Lot and Pond Area Improvements

Requesting Department: Public Works

Category: Water Quality and Environmental

Pursuant to terms of the State Proposition 84 ASBS grant agreement, staff agreed to design water quality improvements for Crystal Cove State Park's easterly parking lot and to redesign the pond area at the mouth of Los Trancos. State Park staff is responsible for securing permitting and environmental documents. Construction is anticipated to start in FY 2012-13. City staff will manage the construction of improvements.

Location:

Crystal Cove easterly parking lot

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$414,000
Other	\$0
Total	\$414,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Environmental Contributions	7255	C5002005	\$0	\$414,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$414,000

PROJECT TOTAL **\$414,000**

Irrigation - Citywide Central Computer System

Requesting Department: Municipal Operations

Category: Water Quality and Environmental

This project provides for the installation of an irrigation computer system and necessary equipment at a selection of City park satellite locations. Various elements of the system were installed in previous phases at other locations. The long-term goal is to have all parks linked to a central computerized irrigation system to better monitor and conserve water.

Location:
Citywide

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$0
Other	\$90,000
Total	\$90,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Water Enterprise	7513	C5500637	\$0	\$90,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$90,000

PROJECT TOTAL \$90,000

16th Street Pump Station Capacity Modifications

Requesting Department: Municipal Operations

Category: Water

This project will identify pump station improvements at the 16th Street Pump Station located at the City's Utilities Yard. The station was constructed in 1995 as part of the Groundwater Development Project. Staff identified possible improvements to increase capacity and improve efficiency. The pumps and motors are aging and need to be replaced. Upsizing the motors and installing variable frequency drives to replace the fixed starters may be considered. This year's efforts will focus on pre-design to review possible options for the station.

Location:

949 W. 16th Street

	FY 2011-12
Design/Environmental	\$100,000
Right-of-Way, Land Acquisition	\$0
Construction	\$0
Other	\$0
Total	\$100,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Water Enterprise	7513	C6002010	\$0	\$100,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$100,000

PROJECT TOTAL **\$100,000**

Corona del Mar Water Transmission Main Improvements

Requesting Department: Municipal Operations

Category: Water

This project will construct a new 36-inch Transmission Main between the Big Canyon Reservoir and East Coast Highway at MacArthur Boulevard. The project also installs a 24-inch Transmission Main between East Coast Highway and Bayside Drive that serves the Peninsula Point area. Water supply and fire flow to the eastern portion of the system will be improved as identified in the City's Water Master Plan. The project also includes the replacement and relocation of a connection to the Metropolitan Water District System (CM-1) in the same general area. Plans and specifications are currently being prepared by consultant. Construction will be performed by a private contractor.

Location:

San Miguel Drive, MacArthur Boulevard and Carnation Avenue

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$2,800,000
Other	\$0
Total	\$2,800,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Water Enterprise	7511	C6002008	\$0	\$2,800,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$2,800,000

PROJECT TOTAL **\$2,800,000**

Big Canyon and Port Streets Sewer Diversion Improvements

Requesting Department: Municipal Operations

Category: Wastewater

Two subdrains and an underdrain in the vicinity of Big Canyon Reservoir are suspected to have high concentrations of selenium. Low flow diversions to the sewer of these sources will help reduce downstream impacts. Staff will design diversions at three points (Port Streets, Yacht Streets, Reservoir) to the sanitary sewer.

Location:

San Miguel Drive and Newport Hill Drive East

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$150,000
Other	\$0
Total	\$150,000

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Wastewater Enterprise	7531	C7002004	\$0	\$150,000
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$0	\$150,000

PROJECT TOTAL **\$150,000**

Santa Ana Heights Utility Undergrounding

Requesting Department: Public Works

Category: Miscellaneous

This project provides for the design and construction to underground utility facilities in Santa Ana Heights and rehabilitation of the area's streets pursuant to City Council action on October 11, 2005, and County Board of Supervisors action on March 27, 2007. The Amended Engineer's Report and Revised Boundary Map and related agreements with the County of Orange were approved by the City Council at its meeting of March 24, 2009.

Location:
Santa Ana Heights

	FY 2011-12
Design/Environmental	\$0
Right-of-Way, Land Acquisition	\$0
Construction	\$1,176,500
Other	\$0
Total	\$1,176,500

FUNDING SOURCE	DIVISION NO.	PROJECT NO.	REBUDGET \$	BUDGET \$
Santa Ana Heights	7459	C5100879	\$1,176,500	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
TOTAL			\$1,176,500	\$0

PROJECT TOTAL **\$1,176,500**

Attachment No. PC 2

CIP General Plan Policy Analysis

CIP General Plan Policy Analysis

Project #	CIP Page #	Project Title	GP Element	Comments
1	1 and 32	Balboa Yacht Basin Facility and Mooring Support Services Improvements	Harbor and Bay Element and Recreation Element	<p>Policy HB 5.2 calls for providing a variety of berthing and mooring opportunities throughout Newport Harbor, reflecting state and regional demand for slip size and affordability.</p> <p>Policy HB 6.3 calls for the provision of visitor facilities in Newport Harbor to encourage the provision of guest slips, moorings, waste pump-out stations, and anchorages in Newport Harbor (Policy R8.3).</p> <p>Policy HB 6.4 calls for the enhancement of guest and public facilities. Protect and, where feasible, expand, and enhance:</p> <ul style="list-style-type: none"> ■ Waste pump-out stations ■ Vessel launching facilities ■ Low-cost public launching facilities ■ Marinas and dry boat storage facilities ■ Guest docks at public facilities, yacht clubs and at privately owned marinas, restaurants and other appropriate locations ■ Facilities and services for visiting vessels ■ Facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities ■ Existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community, and visiting vessels (Policy R8.5). <p>This project provides features consistent with the policies cited above</p>
2	2	Civic Center	Land Use Element – Public Facilities (PF) land use designation	Policies LU 6.1.1 and LU 6.1.2 call for accommodating and allowing for government administrative and operational facilities to serve the needs of the residents and businesses.
3	3	Lifeguard Headquarters Replacement (Design)	Land Use Element and Recreation Element	<p>Policies LU 6.1.1 and LU 6.1.2 call for accommodating and allowing for government administrative and operational facilities to serve the needs of the residents and businesses.</p> <p>Policy R 8.4 calls for marine safety such as lifeguards, harbor patrol, police, traffic, and parking enforcement.</p>
4	9	Bayside Drive, Riverside Avenue Storm Drain Improvements	Harbor and Bay Element and Natural Resources Element	Policy HB 8.4 calls for all development to comply with the regulations under the City's municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System (Policy NR 3.4).

Project #	CIP Page #	Project Title	GP Element	Comments
6	11	China Cove Slope and Drainage Improvements	Circulation Element	This project will minimize the threat of slope failure to protect Ocean Blvd. Policies CE2.2.1 and CE2.3.2 provide for safe roadways and ongoing roadway maintenance.
7	15	Irvine Avenue Realignment – University to Bristol	Circulation Element	The Project is consistent with CE1, the Master Plan of Streets and Highways. The design is also consistent with Policy CE 2.1.4, and Figure CE3 which calls for improvement of the Mesa and University intersections along this segment of Irvine Avenue.
8	16	Jamboree Road Improvements Bristol/Fairchild	Circulation Element	Design and widening of Jamboree Road at the intersection of MacArthur Blvd. is consistent with Policy CE 2.1.4 for roadway improvements to this major road in order to provide efficient movement of goods and people within the City.
9	18	Newport Boulevard and 32 nd Street Modification	Circulation Element	Design is consistent with Policy CE 2.1.4, which calls for this improvement of the intersection.
10	22	Storm Drain Interceptors	Natural Resources and Harbor and Bay Element	NR 3.15 requires all street drainage systems and other physical improvements created by the City to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies (Policy HB 8.15).
11	28	Traffic Signal Modernization: Phase 5	Circulation Element	Policy CE 2.3.4 calls for consideration of additional improvements in areas with operations issues, such as intersections with heavy turn volumes.
12	33	Bonita Canyon Sports Park	Recreation Element Land Use Element-PR land use designation	Policy R 1.9 calls for renovation of the existing recreation facilities to ensure they are a safe environment and offer quality programs and services.

Project #	CIP Page #	Project Title	GP Element	Comments
13	38	Lower Harbor Dredging	Harbor and Bay Element and Natural Resources Element	<p>Policy HB 13.1 calls for development of a comprehensive sediment management program that provides for safe navigation and improved water quality. (Policy NR 13.1)</p> <p>Policy HB 13.2 calls for cooperation with the U.S. Army Corps of Engineers in their maintenance and delineation of federal navigational channels at Newport Harbor in the interest in providing navigation and safety. (Policy NR 13.2)</p>
14	39	Marina Park	Recreation Element Land Use Element-PR land use designation	<p>Policy R 1.9 calls for developing Marina Park as a site for marine and/or recreational facilities.</p> <p>The Recreation Element specifies Service Area 2 (Balboa Peninsula) as an identified needs and issues area, and states that future development of Marina Park could provide for the existing community center and the City's current sailing and boating facilities on the site to be renovated and expanded.</p>
15	42	Sunset Ridge Park	Recreation Element Land Use Element-PR land use designation	Policy R 1.9 calls for developing Sunset Ridge Park as an active park with playfields, picnic areas, a playground, and other facilities.
16	43	Big Canyon Wash Restoration	Natural Resources Element	Policy NR 16.2 calls for coordinating the Big Canyon Creek Restoration Project so that its outcomes are consistent with the goals for Upper Newport Beach established by Orange County and the Department of Fish and Game.
17	44	Buck Gully Canyon Stabilization and Flood Control	Natural Resources Element	Policy NR 10.8 calls for the preparation of natural habitat protection regulations for Buck Gully for the purpose of providing standards to ensure both the protection of the natural habitats in this area and of private property rights. The regulations should include standards for the placement of structures, native vegetation/fuel modification buffers, and erosion and sedimentation control structures.

Project #	CIP Page #	Project Title	GP Element	Comments
18	45	Crystal Cove Parking Lot and Pond Area Improvements	Harbor and Resources Element and Natural Resources Element	Policy HB 8.6 for Watershed runoff quality control calls for Newport Beach to participate in watershed-based runoff reduction, water quality control, and other planning efforts with the California Regional Water Quality Control Board (RWQCB), the County of Orange, and upstream cities. Promote regulation of upstream dischargers (cities, Orange County, residential and commercial uses) in the San Diego Creek and Santa Ana/Delhi Channel watersheds. (Policy NR 3.6)
19	46	Irrigation – Citywide Central Computer System	Natural Resources Element	Policy NR1.4 call for the use of alternative conservation measures to help achieve the goal of minimizing waster consumption.
20	47	16th Street Pump Station Capacity Modifications	Natural Resources Element	Policy NR 5.3 calls for renovation of all older sewer pump stations and install new plumbing according to most recent standards.
21	48	Corona Del Mar Transmission Main Improvements	Land Use Element	LU6.1.3 calls for infrastructure that is compatible in mass and scale to the with the neighborhood in which it is located. The water mains associated with this project will be underground and will help ensure a reliable water supply for customers and emergency use.
22	51	Big Canyon / Port Streets Sewer Diversion Improvements	Natural Resources Element and Harbor and Bay Element	Policy NR 3.2 promotes pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies (Policy HB 8.2). Policy NR 3.15 requires all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies (Policy HB 8.15).
23	56	Santa Ana Heights Utility Undergrounding	Natural Resources Element	NR 21.3 calls for supporting programs to remove and underground overhead utilities, in new development as well as existing neighborhoods.